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Author and Title

Colorado. Laws, statutes, etc.
Laws.

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KFC
1825
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LAWS

PASSED AT THE

Thirteenth Session of the General Assembly of the State of Colorado.

CONVENED AT DENVER,
ON THE SECOND DAY OF JANUARY, A. D. 1901.

PUBLISHED BY AUTHORITY.

DENVER, COLORADO:
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1901.

Entered according to Act of Congress, in the year 1901,

BY DAVID A. MILLS,

Secretary of State, for the use of the State of Colorado, in the office
of the Librarian of Congress, at Washington, D. C.

CERTIFICATE.

STATE OF COLORADO, }
OFFICE OF THE SECRETARY OF STATE, } ss.

I, DAVID A. MILLS, Secretary of State of the State of Colorado, do hereby certify that, by virtue of the authority vested in me by law, I have prepared for publication, and caused to be printed, a copy of all the laws and resolutions passed by the Thirteenth General Assembly of the State of Colorado, at the biennial session thereof; that I have carefully compared the said printed laws and resolutions with the original manuscripts now on file in my office, and that the following are true, full and correct copies thereof.

In Testimony Whereof, I have hereunto set my
(Seal.) hand and affixed the Great Seal of the
 State of Colorado.

Done at Denver, this twenty-second day of May,
A. D. 1901.

DAVID A. MILLS,
Secretary of State.

STATE OFFICERS

AND

Members of Thirteenth General Assembly

EXECUTIVE DEPARTMENT.

James B. Orman.....	Governor	Denver
Horace W. Havens.....	Private Secretary.....	Denver
David C. Coates.....	Lieutenant Governor.....	Pueblo
David A. Mills.....	Secretary of State.....	Denver
S. B. Eubanks.....	Deputy Secretary of State.....	Denver
James N. Chipley.....	Treasurer of State.....	Denver
Thos. H. Tulley.....	Deputy Treasurer of State.....	Denver
Charles W. Crouter.....	Auditor of State.....	Denver
Warren S. Daniels.....	Deputy Auditor of State.....	Denver
Charles C. Post.....	Attorney General.....	Denver
Geo. M. Post.....	Assistant Attorney General.....	Denver
James D. Merwin.....	Assistant Attorney General.....	Denver
Cæsar A. Roberts.....	Assistant Attorney General.....	Denver
Helen L. Grenfell.....	Supt. Public Instruction.....	Denver
C. F. O. Peterson.....	Asst. Supt. Public Instruction.....	Denver

JUDICIAL DEPARTMENT.

SUPREME COURT.

John Campbell.....	Chief Justice.....	Denver
William H. Gabbert.....	Associate Justice.....	Denver
Robert W. Steele.....	Associate Justice.....	Denver
Horace G. Clark.....	Clerk	Denver
John B. Cooke.....	Deputy Clerk.....	Denver
Felix A. Richardson.....	Bailiff	Denver

COURT OF APPEALS.

Adair Wilson.....	President Judge.....	Denver
Charles I. Thomson.....	Judge	Denver
Julius C. Gunter.....	Judge	Denver
James Perchard.....	Clerk	Denver
Cornellus Westervelt.....	Bailiff	Denver

DISTRICT JUDGES.

Allison H. De France.....	First District.....	Golden
Samuel L. Carpenter.....	Second District.....	Denver
Frank T. Johnson.....	Second District.....	Denver
Booth M. Malone.....	Second District.....	Denver
John I. Mullins.....	Second District.....	Denver
Peter L. Palmer.....	Second District.....	Denver
Jesse G. Northcutt.....	Third District.....	Trinidad
Louis W. Cunningham.....	Fourth District.....	Colorado Springs
William P. Seeds.....	Fourth District.....	Cripple Creek
Frank W. Owers.....	Fifth District.....	Leadville
James L. Russell.....	Sixth District.....	Durango
Theron Stevens.....	Seventh District.....	Ouray
Christian A. Bennett.....	Eighth District.....	Greeley
John T. Shumate.....	Ninth District.....	Aspen
N. Walter Dixon.....	Tenth District.....	Pueblo
John H. Voorhees.....	Tenth District.....	Pueblo
Morton S. Bailey.....	Eleventh District.....	Canon City
Charles C. Holbrook.....	Twelfth District.....	Alamosa
Edward E. Armour.....	Thirteenth District.....	Sterling

DISTRICT ATTORNEYS.

Horace G. Thurman.....	First District.....	Central City
Henry A. Lindsley.....	Second District.....	Denver
R. R. Ross.....	Third District.....	Trinidad
Henry Trowbridge.....	Fourth District.....	Cripple Creek
Frank E. Purple.....	Fifth District.....	Leadville
Jas. P. Anglim.....	Sixth District.....	Pagosa Springs
Samuel G. McMullin.....	Seventh District.....	Montrose
Guy D. Duncan.....	Eighth District.....	Greeley
John L. Gray.....	Ninth District.....	Aspen
J. H. H. Low.....	Tenth District.....	Pueblo
Augustus Pease.....	Eleventh District.....	Fairplay
Jas. D. Pilcher.....	Twelfth District.....	Alamosa
W. H. Pound.....	Thirteenth District.....	Sterling

OFFICERS.

7

OFFICERS APPOINTED.

Addison J. McCune.....	State Engineer.....	Denver
John E. Field.....	Deputy State Engineer.....	Denver
Harry A. Lee.....	Commissioner of Mines.....	Denver
John T. Joyce.....	Register Land Board.....	Denver
E. C. Redman.....	Deputy Register.....	Denver
Arthur P. Toombs.....	Appraiser.....	Denver
Wm. O. Jemison.....	Appraiser.....	Denver
James T. Smith.....	Deputy Labor Commissioner.....	Denver
Richard M. Ballinger.....	Measurer of Printing.....	Denver
Thomas J. Kane.....	Boiler Inspector.....	Denver
George F. Gardner.....	Adjutant General.....	Denver
J. Elmer Johnston.....	Assistant Adjutant General.....	Denver
William H. Sweeney, Jr.....	Inspector General.....	Denver
W. W. Grant.....	Surgeon General.....	Denver
Nathan Gregg, Jr.....	Military Secretary.....	Denver
T. L. Monson.....	State Dairy Commissioner.....	Denver
Charles W. Harris.....	Game and Fish Commissioner.....	Denver
Henry Denman.....	Coal Mine Inspector.....	Denver
John W. Finch.....	State Geologist.....	Cripple Creek
Mary F. Miller.....	Assistant State Librarian.....	Denver
Thomas F. Dillon.....	Illuminating Oil Inspector.....	Denver

OFFICERS OF STATE INSTITUTIONS.

STATE UNIVERSITY AT BOULDER.

REGENTS.

David M. Richards.....	Denver
Oscar J. Pfeiffer.....	Denver
Will J. Orange.....	Silver Cliff
Harold D. Thompson.....	Cripple Creek
William H. Bryant.....	Denver
Frank E. Kendrick.....	Leadville

OFFICERS OF BOARD.

James H. Baker.....	President.....	Boulder
John H. Nicholson.....	Treasurer.....	Boulder

David A. Mills, Secretary of State.....Commissioner ex officio
James T. Smith.....Deputy Commissioner

Harry A. Lee.....CommissionerDenver

Charles W. Crouter, State Auditor.....	Superintendent (ex officio).....	Denver
David F. How.....	Deputy Superintendent.....	Denver
William B. Orman.....	Chief Clerk.....	Denver

James B. Orman, Governor.....	Chairman	Denver
Herman Leuders.....	Secretary	Denver
Otto Mears.....		Denver
Geo. W. Baxter.....		Denver
Charles J. Hughes, Jr.....		Denver
J. A. Thatcher.....		Denver

James B. Orman, Governor.....	President	Denver
David A. Mills.....	Secretary of State.....	Denver
Charles C. Post.....	Attorney General.....	Denver
Helen L. Grenfell.....	Superintendent Public Instruction..	Denver
John T. Joyce.....	Register	Denver

James B. Orman, Governor.....	President	Denver
David A. Mills.....	Secretary of State.....	Denver
James N. Chipley.....	Treasurer of State.....	Denver
Charles C. Post.....	Attorney General.....	Denver
Charles W. Crouter.....	Auditor of State.....	Denver
A. B. Gray.....	Secretary	Denver

Roady Kenehan.....	President	Denver
Rose Kidd Beere.....	Denver
John F. Harley.....	Secretary	Denver

OFFICERS.

9

STATE AUDITING BOARD.

James B. Orman, Governor.....	Chairman	Denver
Charles W. Crouter.....	Auditor	Denver
Charles C. Post.....	Attorney General.....	Denver
A. B. Gray.....	Secretary	Denver

STATE BOARD OF AGRICULTURE.

James B. Orman, Governor..... }
Barton O. Aylesworth, President } Ex officio Members of Board.

P. F. Sharp.....	President	Pueblo
A. M. Hawley.....	Secretary	Fort Collins
J. N. Chipley.....	State Treasurer.....	Denver
Chas. H. Sheldon.....	Local Treasurer.....	Fort Collins
James L. Chatfield.....		Gypsum
B. N. Dye.....		Rocky Ford
B. F. Rockafellow.....		Canon City
Mrs. Eliza F. Routt.....		Denver
Jesse Harris.....		Fort Collins
P. A. Amiss.....		Pruden
Harlan Thomas.....		Denver

STATE NORMAL SCHOOL.

GREELEY.

Richard Broad, Jr.....	President	Golden
A. J. Park.....	Secretary	Greeley
C. H. Wheeler.....	Treasurer	Greeley

TRUSTEES.

Richard Broad, Jr.....		Golden
R. W. Corwin.....		Pueblo
J. M. B. Petreken.....		Greeley
James R. Killiam.....		Walsenburg
Mrs. Frances Belford.....		Denver
Jesse Stephenson.....		Monte Vista

STATE SCHOOL OF MINES.

GOLDEN.

James T. Smith.....		Denver
Winfield S. Stratton.....		Colorado Springs
Frank Bulkley.....		Aspen
Otto F. Thum.....		Pueblo
Edward L. Berthoud.....		Golden

OFFICERS.

STATE BOARD OF MEDICAL EXAMINERS.

C. K. Fleming, M. D.....	Secretary	Denver
Frank S. Dulin, M. D.....	.....	Denver
Samuel F. Shannon, M. D.....	.....	Denver
T. W. Miles, M. D.....	.....	Denver
W. W. Rowan, M. D.....	.....	Ouray
Sol. G. Kahn, M. D.....	.....	Leadville
G. W. Lawrence, M. D.....	.....	Colorado Springs
P. J. McHugh, M. D.....	.....	Fort Collins

COLORADO SCHOOL FOR THE DEAF AND BLIND.

COLORADO SPRINGS.

W. H. Trout.....	President	Canon City
Mrs. M. S. McDonald.....	Secretary	Pueblo
W. K. Argo, A. M.....	Superintendent	Colorado Springs
Geo. E. West.....	.....	Durango
A. L. Lawton.....	.....	Colorado Springs
W. G. Rice.....	.....	Colorado Springs

STATE INDUSTRIAL SCHOOL FOR GIRLS.

DENVER.

Robert M. Golder.....	President	Denver
John H. Gabriel.....	Secretary	Denver
Blanche L. Delaplaine.....	.....	Denver
Minnie C. T. Love.....	.....	Denver
Harriet G. R. Wright.....	.....	Denver
Sarah C. Irish.....	Superintendent	Morrison

STATE INDUSTRIAL SCHOOL.

GOLDEN.

Charles Landes.....	President	Pueblo
Geo. H. Kimball.....	Secretary	Golden
H. E. Bell.....	.....	Denver
Frank G. Mirick.....	Superintendent	Golden

ASYLUM FOR THE INSANE.

PUEBLO.

A. P. Busey.....	Superintendent	Pueblo
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COMMISSIONERS.

W. W. Grant.....	Denver
E. G. Middelkamp.....	Pueblo
N. D. Owen.....	Central City

STATE PENITENTIARY.

CANON CITY.

Edmund H. Martin.....	Warden	Canon City
T. S. Wheeler.....	Chaplain	Canon City
Dr. J. W. Collins.....	Physician	Canon City

COMMISSIONERS.

Walter G. Hines.....	President	Trinidad
Henry L. White.....	.....	Canon City
Louis King.....	.....	Ouray

COLORADO STATE REFORMATORY.

BUENA VISTA.

Joseph H. Smith.....	Warden	Buena Vista
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COMMISSIONERS.

Walter G. Hines.....	President	Trinidad
Henry L. White.....	Canon City
Louis R. King.....	.....	Ouray

SOLDIERS' AND SAILORS' HOME.

MONTE VISTA.

H. V. Smith.....	President	Monte Vista
L. E. Sherman.....	Vice-President	Colorado Springs
George West.....	Secretary	Golden
R. J. McNutt.....	Treasurer	Silverton
John H. Shaw.....	Commander	Monte Vista

STATE BOARD OF HEALTH.

Hubert Work, M. D.....	President	Pueblo
J. N. Hall, M. D.....	Vice-President	Denver
G. E. Tyler, M. D.....	Secretary	Denver
Leonard Freeman, M. D.....	Treasurer	Denver
H. R. Bull, M. D.....	.....	Grand Junction
O. J. Mayne, M. D.....	.....	Como
M. Beshoar, M. D.....	.....	Trinidad
John A. Whiting, M. D.....	.....	Cripple Creek
J. C. Chipman, M. D.....	.....	Sterling

STATE BOARD OF DENTAL EXAMINERS.

B. A. McGee.....	.....	Denver
Fernando H. Southerland.....	.....	Cripple Creek
A. E. Barker.....	.....	Idaho Springs
H. F. Hoffman.....	.....	Denver
Henry C. Rose.....	.....	Leadville

OFFICERS.

STATE BOARD OF HORTICULTURE.

W. S. Coburn.....	President.....	Hotchkiss
Martha A. Shute.....	Secretary.....	Denver
J. H. Crowley.....		Rocky Ford
J. R. Penniston.....		Whitewater
S. A. Smith.....		Fort Morgan
G. E. Richardson.....		Alcott

STATE BOARD OF EDUCATION.

Helen L. Grenfell, Supt. Public		
Instruction.....	President.....	Denver
David A. Mills.....	Secretary of State.....	Denver
Charles C. Post.....	Attorney General.....	Denver

BOARD OF CHARITIES AND CORRECTIONS.

Mrs. Sarah S. Decker.....	President.....	Denver
O. S. Storrs.....	Vice-President.....	Denver
Rev. T. H. Malone.....		Denver
L. R. Ehrich.....		Colorado Springs
Dr. Eleanor Lawney.....		Denver
Rabbi Wm. S. Friedman.....		Denver
James B. Orman, Governor ex officio.....		Denver
C. L. Stonaker.....	Secretary.....	Denver

STATE BOARD OF PARDONS.

James B. Orman, Governor.....	President.....	Denver
Wm. L. Dayton.....		Denver
Wilson D. Reid.....		Denver
Wm. M. Nickerson.....		Denver
James Doyle.....		Victor
C. L. Stonaker.....	Secretary.....	Denver

COMMISSIONERS FOR THE PROMOTION OF UNIFORMITY OF LEGISLATION IN THE UNITED STATES.

Willard Teller.....		Denver
C. M. Campbell.....		Denver
A. M. Stevenson.....		Denver

STATE BOARD OF PHARMACY.

Fred C. Ewing.....	President.....	Glenwood Springs
A. W. Scott.....		Fort Collins
C. H. Wells.....		Pueblo

STATE HISTORICAL AND NATURAL HISTORY SOCIETY.

William N. Byers.....	President	Denver
Edward B. Morgan.....	Vice-President	Denver
Nathan A. Baker.....	Vice-President	Denver
George L. Cannon.....	Vice-President	Denver
Charles R. Dudley.....	Secretary	Denver
William D. Todd.....	Treasurer	Denver
William C. Ferril.....	Curator	Denver

STATE HOME FOR DEPENDENT AND NEGLECTED CHILDREN.

Sarah L. Curtis.....	President	Denver
Lucy M. Hughes.....	Vice-President	Denver
Dora E. Reynolds.....	Secretary	Denver
Louisa L. Arkins.....	.....	Denver
Tyson S. Dines.....	.....	Denver
H. W. Cowan.....	Superintendent	Denver

VETERINARY BOARD.

B. H. DuBois.....	President	Denver
Jas. W. Bates.....	Vice-President	Denver
Adelbert P. McCapes.....	Secretary	Idaho Springs
Edwin R. Stark.....	Colorado Springs

STATE VETERINARY SURGEON.

Adelbert P. McCapes.....	Idaho Springs
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STATE BOARD OF INSPECTION COMMISSIONERS.

E. M. Ammons.....	Acequia
Asa Sterling.....	Greeley
Conrad Schafer.....	Deuel
George F. Patrick.....	Pueblo
Samuel Hartzel.....	Hartzel
L. D. Eskridge.....	La Jara
Marshall Nuckolls.....	Rifle
Edward V. Bowles.....	Wray
Edward M. Duke.....	Hotchkiss

STATE MILITARY BOARD.

Governor James B. Orman.....	Denver
Brigadier General John B. Chase.....	Denver
Adjutant General Geo. F. Gardiner.....	Lake City
Colonel D. M. Campbell.....	Pueblo
Colonel Wm. H. Sweeney, Jr.....	Canon City
Colonel Nathan Gregg, Jr.....	Denver

THIRTEENTH GENERAL ASSEMBLY.

THE SENATE.

OFFICERS.

David C. Coates.....	President
Casimiro Barela.....	President Pro Tem for Session
Edward T. Taylor.....	President Pro Tem until January 7, 1903
W. H. Kelley.....	Secretary
Milton M. Detch.....	Assistant-Secretary
Lem J. Smith.....	Reading Clerk
A. A. Johnson.....	Chaplain
Peter G. Conover.....	Sergeant-at-Arms
A. K. Hill.....	Assistant Sergeant-at-Arms
John Schultz.....	Assistant Sergeant-at-Arms
F. J. Bawden.....	Chief Printing Clerk.
Frances Wood.....	Chief Enrolling Clerk
John E. Connelly.....	Docket Clerk
Bertha Jacobs.....	Bill and Stationery Clerk
W. J. Casey.....	Clerk Revision Committee
H. E. May.....	Clerk Judiciary Committee
W. J. Houston.....	Clerk Finance Committee
James Hogan.....	Doorkeeper

MEMBERS.

NAME	Postoffice Address	Counties of	Term Expir's	Dist.	Politics
W. H. Adams	Alamosa	Archuleta	1904	24	..... Democrat
J. Frank Adams	Denver	Conejos	1904	1	..... Democrat
E. M. Ammons	Acequia	Douglas	1902	3	..... Silver Rep.
Thomas Annear	Silverton	El Paso			
		Teller			
Thomas Annear	Silverton	Ouray	1902	18	..... Populist
		San Juan			
Casimiro Barela.....	Trinidad	Las Animas.....	1904	4	..... Democrat
W. S. Buckley.....	Telluride.....	Montrose	1902	17	..... Democrat
		San Miguel			
		Dolores			
James W. Bucklin ...	Grand Junction...	Gunnison	1902	16	..... Single Tax
		Delta			
		Mesa			
W. L. Clayton.....	Greeley	Weld	1904	7	..... Democrat
George V. Copp	Durango	La Plata.....	1904	19	..... Democrat
		Montezuma			

OFFICERS.

15

MEMBERS.

NAME	Postoffice Address	Counties of	Term Expir's	Dist.	Politics
Thomas J. Ehrhart...	Centerville.....	Chaffee..... Park.....	1902	20	..... Democrat
*James C. Evans.....	Fort Collins.....	Larimer.....	1902	10	..... Silver Rep.
M. Z. Farwell.....	La Junta.....	Otero..... Kiowa..... Bent..... Prowers..... Baca.....	1904	23	..... Republican
F. F. Graves.....	Denver.....	Arapahoe..... Cheyenne..... Lincoln..... Kit Carson..... Elbert.....	1904	22	..... Democrat
S. I. Hallett.....	Aspen.....	Pitkin.....	1904	11	..... Democrat
W. A. Hill.....	Fort Morgan.....	Morgan..... Sedgwick..... Logan..... Yuma..... Washington..... Phillips.....	1902	25	..... Silver Rep.
B. L. Jefferson.....	Steamboat Springs	Routt..... Rio Blanco..... Grand..... Summit.....	1904	13	..... Democrat
Hume Lewis.....	Pueblo.....	Pueblo.....	1904	2	..... Democrat
Theodore McGuire.....	Denver.....	Arapahoe.....	1904	1	..... Democrat
W. H. Meyer.....	Fort Garland.....	Costilla..... Huerfano..... Custer.....	1902	14	..... Republican
F. A. Moore.....	Florence.....	Fremont.....	1904	9	..... Populist
S. V. Newell.....	Central City.....	Gilpin.....	1902	26	..... Silver Rep.
F. W. Parks.....	Denver.....	Arapahoe.....	1902	1	..... Silver Rep.
C. T. Philp.....	Denver.....	Arapahoe.....	1902	1	..... Populist
C. W. Roe.....	Creede.....	Mineral..... Rio Grande..... Saguache..... Hinsdale.....	1902	15	..... Populist
H. L. Roberts.....	Georgetown.....	Clear Creek.....	1904	12	..... Silver Rep.
John A. Rush.....	Denver.....	Arapahoe.....	1904	1	..... Democrat
H. H. Seldomridge.....	Colorado Springs	El Paso..... Douglas..... Teller.....	1904	3	..... Democrat
Joel W. Smith.....	Leadville.....	Lake.....	1902	6	..... Democrat
A. T. Stewart.....	Pueblo.....	Pueblo.....	1902	2	..... Democrat
T. H. Stratton.....	Lake George.....	Park..... Lake.....	1902	28	..... Populist

* Died in early part of session and no successor elected.

OFFICERS.

MEMBERS.

NAME	Postoffice Address	Counties of	Term Expir's	Dist.	Politics
L. A. Tanquary	Rouse Junction ...	Huerfano Pueblo	1902	27	..... Populist
E. T. Taylor.....	Glenwood Springs	Garfield Ragle	1904	21	..... Populist
C. B. Ward	Boulder	Boulder	1904	5	..... Democrat
L. R. West	Golden	Jefferson.....	1904	8	..... Democrat
C. B. Whitford ..	Denver	Arapahoe	1902	1	..... Democrat

HOUSE OF REPRESENTATIVES.

OFFICERS.

B. F. Montgomery.....	Speaker
A. B. Gray	Chief Clerk
T. M. Lyons.....	Assistant Clerk
Frank W. Lee.....	Sergeant-at-Arms
Wm. C. Edwards.....	Reading Clerk
Mrs. Thomas Wilson.....	Docket Clerk
Alice Martin.....	Docket Clerk
W. B. Felton.....	Chief Printing Clerk
E. P. Kendrick.....	Chief Enrolling Clerk
J. D. McPherson.....	Bill Clerk
William Roadcap.....	Assistant Sergeant-at-Arms
John W. Platt.....	Assistant Sergeant-at-Arms
Chas. D. Rauber.....	Assistant Sergeant-at-Arms

MEMBERS.

NAME	Postoffice Address	Representing Counties of	Politics
J. D. Adams.....	Rico.....	Dolores..... Montezuma .....	..... Democrat
Webster Ballinger...	Como.....	Park .....	..... Silver Republican
A. C. Bartels.....	Denver.....	Arapahoe .....	..... Silver Republican
J. W. Beaty	Manzanola.....	Otero.....	..... Democrat
Everett Bell.....	Trinidad	Las Animas .....	..... Democrat
F. S. Bolsinger.....	Central City.....	Gilpin .....	..... Populist
J. J. Bradley	Denver	Arapahoe .....	..... Populist

OFFICERS.

17

MEMBERS.

NAME	Postoffice Address	Representing Counties of	Politics
Cole Briscoe.....	Castle Rock.....	Douglas.....	Democrat
Blair Burwell.....	Durango.....	La Plata.....	Populist
F. R. Caley.....	Littleton.....	Arapahoe.....	Populist
W. F. Cannon.....	Denver.....	Arapahoe.....	Silver Republican
F. E. Carringer.....	Golden.....	Jefferson.....	Silver Republican
R. A. Chisholm.....	Del Norte.....	Rio Grande Mineral.....	Populist
C. Cunningham.....	Malta.....	Lake.....	Populist
J. A. Davidson.....	Salida.....	Chaffee.....	Democrat
A. H. Davis.....	Canon City.....	Fremont Chaffee.....	Silver Republican
C. L. Dickerson.....	Elizabeth.....	Elbert Lincoln.....	Republican
W. M. Dinkel.....	New Castle.....	Garfield.....	Democrat
J. P. Dunlavy.....	Trinidad.....	Las Animas.....	Democrat
J. L. Eches.....	Burlington.....	Kit Carson Cheyenne.....	Democrat
D. W. Fall.....	Breckenridge.....	Grand Summit.....	Democrat
Albert Gabrin.....	Denver.....	Arapahoe.....	Democrat
C. Garcia.....	Conejos.....	Conejos.....	Republican
Peter Gorman.....	Denver.....	Arapahoe.....	Democrat
C. M. Hammond.....	Paonia.....	Montrose, Delta.....	Populist
W. C. Harris.....	Sterling.....	Logan Sedgwick Phillips.....	Democrat
Harry Hart.....	Pueblo.....	Pueblo.....	Democrat
Mrs. E. Heartz.....	Denver.....	Arapahoe.....	Populist
G. M. Hollenbeck.....	Victor.....	Teller El Paso.....	Democrat
Harry E. Insley.....	Denver.....	Arapahoe.....	Silver Republican
C. W. Judkins.....	Aspen.....	Pitkin.....	Populist
John Kennedy.....	Ouray.....	Ouray.....	Democrat
R. A. Lewis.....	Walsenburg.....	Huerfano.....	Republican
J. N. Lorber.....	Denver.....	Arapahoe.....	Democrat
Harry L. Lubers.....	Las Animas.....	Bent Las Animas.....	Democrat
James Lytle.....	Meeker.....	Routt Rio Blanco.....	Democrat

OFFICERS.

MEMBERS.

NAME	Postoffice Address	Representing Counties of	Politics
Frank Madden	Greeley	Weld .....	..... Populist
T. B. Manion	Gold Hill	Boulder .....	..... Populist
John A. Martin	Pueblo	Pueblo .....	..... Democrat
P. T. McGuire	Florence	Fremont .....	..... Democrat
Neil McLean	Lamar	Kiowa .....	..... Republican
		Baca	
		Prowers	
F. A. Meredith	Fort Lupton	Weld .....	..... Silver Republican
B. F. Montgomery	Cripple Creek	Teller .....	..... Democrat
		El Paso	
Max Morris	Denver	Arapahoe .....	..... Democrat
W. B. Neeley	Longmont	Boulder .....	..... Democrat
B. J. O'Connell	Silver Plume	Clear Creek .....	..... Democrat
J. E. Ong	Debeque	Mesa .....	..... Democrat
Andrew Park	Pueblo	Pueblo .....	..... Democrat
C. G. Pitschke	Denver	Arapahoe .....	..... Populist
James Platt	Boulder	Boulder .....	..... Democrat
W. C. Pochon	Pueblo	Pueblo .....	..... Democrat
T. M. Raney	Leadville	Lake .....	..... Populist
C. T. Rawalt	Gunnison	Gunnison .....	..... Democrat
L. S. Riley	Antonito	Conejos .....	..... Republican
		Archuleta	
Jose E. Sanchez	San Louis	Costilla .....	..... Republican
J. G. Schweigert	Silver Cliff	Custer .....	..... Democrat
B. P. Smith	Denver	Arapahoe .....	..... Democrat
C. S. Sprague	Colorado Springs	El Paso .....	..... Silver Republican
		Teller	
C. E. Stubbs	Denver	Arapahoe .....	..... Democrat
W. A. Taylor	Telluride	San Miguel .....	..... Democrat
H. W. Twombly	Brush	Yuma, Morgan .....	..... Republican
		Washington	
R. S. Weldon	Arkins	Larimer .....	..... Democrat
Michael White	Saguache	Saguache .....	..... Democrat
J. T. Whitelaw	Silverton	Hinsdale .....	..... Democrat
		San Juan	
Lee R. Willis	Red Cliff	Eagle .....	..... Democrat

CHAPTER 1.

AGRICULTURE.

(H. B. No. 241, by Mr. Madden.)

AN ACT

TO PREVENT THE INTRODUCTION OF FARM PRODUCE INTO THE STATE OF COLORADO FROM OTHER STATES AND TERRITORIES AND FRAUDULENTLY RESHIPPING THE SAME WITHOUT THE SAID STATE WITH THE INTENT TO DECEIVE THE PURCHASER INTO THE BELIEF THAT THE SAID PRODUCE WAS RAISED WITHIN THE STATE OF COLORADO, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE SAME.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. It shall be unlawful for any person or persons, firm or corporation, to ship, transport or convey farm produce of any nature whatsoever into the State of Colorado from any other state or territory and reship said farm produce without the state of Colorado with the intent to fraudulently mislead those who may purchase the same into the belief that the aforesaid farm produce was raised within the State of Colorado.

Unlawful to ship farm produce into State and reship to mislead.

Sec. 2. Should any person or persons, firm or corporation, ship, transport or convey any farm produce into the State of Colorado, from any other state or territory, and reship the same to some other state or territory, the shipping bill shall show the state or territory wherein said farm produce was raised.

Shipping bill show where raised.

Sec. 3 Should any person or persons or the agents of any firm or corporation, violate the provisions of this act, said person, or persons, and agents of any such firm or corporation, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than

Misdemeanor.

Penalty. two hundred dollars and not more than one thousand dollars.

Emergency. Sec. 4. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 27, 1901.

CHAPTER 2.

APPORTIONMENT.

(H. B. No. 181, by Mr. Carringer.)

AN ACT

TO FIX THE AGGREGATE NUMBER OF SENATORS AND REPRESENTATIVES IN THE STATE OF COLORADO; FIXING THE RATIOS FOR THE APPORTIONMENT THEREOF, AND TO REVISE SAID APPORTIONMENT ACCORDING TO SAID RATIO.

Be it Enacted by the General Assembly of the State of Colorado:

Apportionment
thirty-five Sen-
ators, sixty-five
Representa-
tives.

Section 1. The senate shall consist of thirty-five members, the house of representatives of sixty-five members.

Ratio of appor-
tionment.

Senators.

Sec. 2. The following ratios are hereby fixed and established for the apportionment of senators and representatives of the general assembly of the state of Colorado, to-wit: The ratio for senatorial apportionment shall be, first, one senator for each senatorial district for the first 10,000 of population therein; second, one additional senator for each senatorial district for each 20,000 of population thereafter, or fraction over 15,000 population. The ratio for representative apportionment shall be, first, one representative for each representative district for the first two thousand population; second, one

Representa-
tives.

representative for each representative district for each 15,000 of population thereafter, with one representative for fractions over 12,000 of population.

Sec. 3. Until otherwise provided by law this state shall be divided into senatorial districts, constituted, numbered and entitled to the number of senators named, as follows: The county of Arapahoe shall constitute the first senatorial district and be entitled to six senators; the county of Pueblo shall constitute the second senatorial district and be entitled to one senator; the counties of El Paso and Teller shall constitute the third senatorial district and be entitled to two senators; the county of Las Animas shall constitute the fourth senatorial district and be entitled to one senator; the county of Boulder shall constitute the fifth senatorial district and be entitled to one senator; the county of Lake shall constitute the sixth senatorial district and be entitled to one senator; the county of Weld shall constitute the seventh senatorial district and be entitled to one senator; the counties of Jefferson and Clear Creek shall constitute the eighth senatorial district and be entitled to one senator; the county of Fremont shall constitute the ninth senatorial district and be entitled to one senator; the counties of Larimer and Boulder shall constitute the tenth senatorial district and be entitled to one senator; the counties of Pitkin and Gunnison shall constitute the eleventh senatorial district and be entitled to one senator; the counties of Sedgwick, Phillips, Yuma, Washington, Logan, Morgan and Arapahoe shall constitute the twelfth senatorial district and be entitled to one senator; the counties of Eagle, Routt, Grand, and Summit shall constitute the thirteenth senatorial district and be entitled to one senator; the counties of Costilla, Huerfano and Conejos shall constitute the fourteenth senatorial district and be entitled to one senator; the counties of Saguache, Mineral and Rio Grande shall constitute the fifteenth senatorial district and be entitled to one senator; the counties of Mesa and Delta shall constitute the sixteenth senatorial district and be entitled to one senator.

Seventeenth.	senator; the counties of Montrose, San Miguel and Dolores shall constitute the seventeenth senatorial district and be entitled to one senator; the counties of Ouray, San Juan, Hinsdale and Archuleta shall constitute the
Eighteenth.	eighteenth senatorial district and be entitled to one senator; the counties of La Plata and Montezuma shall constitute the
Nineteenth.	nineteenth senatorial district and be entitled to one senator; the counties of Chaffee and Park shall constitute the
Twentieth.	twentieth senatorial district and be entitled to one senator; the counties of Garfield, Eagle and
Twenty-first.	Rio Blanco shall constitute the twenty-first senatorial district and be entitled to one senator; the counties of
Twenty-second.	Cheyenne, Elbert, Lincoln, Kit Carson, Kiowa and Arapahoe shall constitute the twenty-second senatorial district and be entitled to one senator; the county of Otero
Twenty-third.	shall constitute the twenty-third senatorial district and be entitled to one senator; the county of Conejos shall
Twenty-fourth.	constitute the twenty-fourth senatorial district and be entitled to one senator; the counties of Bent, Prowers,
Twenty-fifth.	Baca and Las Animas shall constitute the twenty-fifth senatorial district and be entitled to one senator; the
Twenty-sixth.	counties of Gilpin, Boulder, Jefferson and Clear Creek shall constitute the twenty-sixth senatorial district and be
Twenty-seventh.	entitled to one senator; the counties of Pueblo and Custer shall constitute the twenty-seventh senatorial district
Twenty-eighth.	and shall be entitled to one senator; the counties of Douglas, El Paso and Teller shall constitute the twenty-
Twenty-ninth.	eight senatorial district and be entitled to one senator; the counties of Pueblo, Fremont and Teller shall constitute the
	twenty-ninth senatorial district and be entitled to one senator.

Senator not removed.

Vacancy filled from new district.

Sec. 4. Nothing in this act shall be construed to work the removal of any senator from his office for the term for which he may have been elected, but all such senators shall serve the terms for which they were elected; Provided, That in case of a vacancy caused by the death, resignation or otherwise of any of such senator, [senators] the vacancy shall be filled from a new district, as provided in this act.

Sec. 5. The representatives shall be divided among the counties of this state as follows [follows]: The county of Arapahoe shall have eleven; the counties of Archuleta and Conejos shall have one; the county of Conejos shall have one; the counties of Bent and Kiowa shall have one; the county of Chaffe [Chaffee] shall have one; the county of Fremont shall have one; the counties of Chaffee and Fremont shall have one; the county of Clear Creek shall have one; the counties of Costilla and Huerfano shall have one; the county of Custer shall have one; the county of Delta shall have one; the counties of Dolores and Montezuma shall have one; the county of Eagle shall have one; the counties of El Paso and Teller shall have six; the county of Garfield shall have one; the county of Gilpin shall have one; the county of Gunnison shall have one; the counties of Hinsdale and Mineral shall have one; the county of Jefferson shall have one; the county of Lake shall have two; the county of La Plata shall have one; the county of Larimer shall have one; the county of Las Animas shall have two; the county of Mesa shall have one; the county of Montrose shall have one; the county of Otero shall have one; the county of Ouray shall have one; the county of Park shall have one; the county of Pitkin shall have one; the county of Pueblo shall have three; the county of Rio Grande shall have one; the county of Saguache shall have one; the county of San Juan shall have one; the county of San Miguel shall have one; the county of Weld shall have two; the counties of Prowers, Baca and Las Animas shall have one; the counties of Routt and Rio Blanco shall have one; the counties of Summit and Grand shall have one; the counties of Sedgwick, Phillips, Yuma and Arapahoe shall have one; the counties of Logan, Washington, Morgan and Arapahoe shall have one; the county of Douglas shall have one; the counties of Elbert, Lincoln, Kit Carson, Cheyenne, Boulder and Arapahoe shall have one; the county of Boulder shall have two; the counties of Boulder and Arapahoe shall have one.

Representative districts.

Approved April 29, 1901.

CHAPTER 3.

APPROPRIATION.

BUREAU OF CHILD AND ANIMAL PROTECTION.

(H. B. No. 99, by Mr. Ballinger.)

AN ACT

MAKING AN APPROPRIATION FOR THE STATE BUREAU OF
CHILD AND ANIMAL PROTECTION FOR THE YEARS 1901
AND 1902.

Be it Enacted by the General Assembly of the State of Colorado:

Appropriation. Section 1. That six thousand dollars (\$6,000) is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to the state bureau of child and animal protection, for the purpose of carrying out the provisions of an act entitled "An act to prevent wrongs to children and dumb animals and to establish a bureau of child and animal protection."

Period for which made. Sec. 2. That said appropriation is made for the years 1901 and 1902, commencing July 1, 1901, and ending June 30, 1903, one half of said amount to be used during the first year and the other half during the second year.

Auditor draw warrants. Sec. 3. The state auditor is hereby authorized to draw warrants for the payment of the expenses of said bureau upon vouchers certified by the president of said bureau of child and animal protection and attested by the secretary thereof.

Vouchers.

Approved April 13, 1901.

CHAPTER 4.

APPROPRIATION.

ELECTION CONTESTS.

(H. B. No. 320, by Mr. Hammond.)

AN ACT

TO PROVIDE FOR THE EXPENSES OF THE ELECTION CONTEST FROM PUEBLO COUNTY, IN WHICH HARRY HART ET AL, WERE CONTESTORS, AND PERRY M. KEEN ET AL, CONTESTEES, AND TO MAKE AN APPROPRIATION THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. There is hereby appropriated out of the ^{Appropriation.} general fund, the sum of one thousand four hundred and twenty-two dollars and fifty-three cents, or so much thereof as may be necessary, to defray the expenses of ^{Election con-} the contest from Pueblo county, in which Harry Hart et ^{tests.} al. were contestors, and Perry M. Keen et al, contestees, including attorney fees, stenographers' fees, per diem of contestors, expense of taking testimony, and all other incidental expenses of said contest.

Provided, however, That any sum or sums not ex- ^{Unexpended} pended in carrying out the provisions in this act shall be ^{balance.} returned and become a part of the general fund.

Sec. 2. Said sum to be used exclusively for the purposes aforesaid, and the auditor is hereby authorized to draw warrants for the payment of vouchers certified by ^{Auditor draw} the chairman of the House Committee of Privileges and ^{warrants.} Elections.

Sec. 3. In the opinion of the general assembly an emergency exists; therefore, this act shall be in force ^{Emergency.} from and after the date of its passage.

Approved March 18, 1901.

CHAPTER 5.

APPROPRIATION.

EXPENSES OF LEGISLATIVE COMMITTEE.

(S. B. No. 232, by Senator Tanquary.)

AN ACT

APPROPRIATING THE SUM OF SEVEN HUNDRED AND ELEVEN DOLLARS AND FORTY-FIVE CENTS (\$711.45) TO PAY THE EXPENSES OF THE LEGISLATIVE COMMITTEE APPOINTED UNDER SENATE JOINT CONCURRENT RESOLUTIONS NUMBERS 7 AND 9.

Be it Enacted by the General Assembly of the State of Colorado:

Appropriation.

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of seven hundred and eleven dollars and forty-five cents (\$711.45) to pay the expenses of the Committee appointed under Senate Joint Concurrent Resolutions numbers 7 and 9, said resolutions having passed the Thirteenth General Assembly of the State of Colorado.

**Legislative
committee.**

**Auditor draw
warrants.**

Said sum is to be used exclusively for the purpose aforesaid and the Auditor is hereby authorized to draw warrants for the payment of vouchers certified by the Chairman of the said Investigating Committee.

Emergency.

Sec. 2. In the opinion of the General Assembly an emergency exists, therefore, this act shall take effect and be in force from and after its passage.

Approved March 18, 1901.

CHAPTER 6.

APPROPRIATION.

RELIEF OF C. K. FLEMING.

(S. B. No. 44, by Senator Jefferson.)

A N A C T

FOR THE RELIEF OF C. K. FLEMING.

Whereas, There is due C. K. Fleming, as secretary of the State Board of Medical Examiners for clerk hire and for sundry sums of money advanced for postage and other necessary expenses of the board the sum of one thousand nine hundred dollars, and for which bills have been presented to and approved by said board; and,

Whereas, The fees received by the treasurer of said board have been paid into the State Treasury since the 1st day of January, 1899, and there exists no fund out of which said expenses can be paid without legislative enactment;

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That the sum of one thousand nine hundred dollars be and hereby is appropriated out of the State Board of Medical Examiners' fund, in the State Treasury, to pay and reimburse said C. K. Fleming as Secretary of the State Board of Medical Examiners, and the State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer, in favor of said C. K. Fleming, for the same.

Sec. 2. Inasmuch as this claim should be liquidated at once; therefore, in the opinion of the General Assembly an emergency exists, and this act shall take effect and be in force from and after its passage.

Approved April 9, 1901.

CHAPTER 7.

APPROPRIATION.

GENERAL.

(H. B. No. 126, by Mr. Rawalt.)

AN ACT

TO PROVIDE FOR THE PAYMENT OF THE ORDINARY AND CONTINGENT EXPENSES OF THE EXECUTIVE, LEGISLATIVE AND JUDICIAL DEPARTMENTS OF THE STATE, AND THE OFFICERS AND EMPLOYES THEREOF, FOR THE MONTHS OF DECEMBER, 1900, AND JANUARY, FEBRUARY AND MARCH, 1901.

Be it Enacted by the General Assembly of the State of Colorado:

Part general
appropriation.

Section 1. That there is hereby appropriated out of any money in the treasury, not otherwise appropriated, for the purpose of paying a part of the ordinary and contingent expenses of the executive, legislative, and judicial departments of the state, and the officers and employes thereof, for the fiscal year 1901, the sum of \$341,293.16, as follows:

Governor's salary.....	\$ 1,666.66
Private secretary.....	500.00
Clerk and stenographer (two).....	800.00
Incidental and office expenses.....	633.33
Lieutenant governor, salary.....	333.33
Secretary of state, salary.....	1,000.00
Deputy secretary of state, salary.....	833.33
One chief clerk, salary.....	500.00
One printing clerk, salary.....	500.00
Clerical assistance, salaries.....	2,126.66
Clerk and stenographer, salaries (two).....	800.00
Secretary of state, office expenses.....	333.33

Deputy labor commissioner, salary.....	600.00
Expenses of deputy labor commissioner....	133.33
Auditor of state, salary.....	833.33
Deputy, salary.....	833.33
Book keeper, salary.....	500.00
Assistant bookkeeper and voucher clerk, salary	400.00
State treasurer, salary.....	2,000.00
Deputy, salary.....	833.33
Book keeper, salary.....	500.00
Registry clerk, salary.....	400.00
Superintendent of public instruction, salary..	1,000.00
Assistant, salary.....	500.00
Traveling expenses:.....	166.66
Maintenance of state library.....	166.66
Clerk and stenographer, salary.....	333.33
Assistant state librarian, salary.....	333.33
Attorney general, salary.....	1,000.00
Deputy, salary.....	750.00
Assistant attorney general, salary.....	750.00
Clerk and stenographer, salary.....	400.00
Justices of the supreme court (three) salaries..	5,000.00
Clerk of the supreme court, salary.....	1,166.66
Supreme court reporter, salary.....	1,000.00
Deputy clerk of supreme court, salary.....	500.00
Bailiff of supreme court, salary.....	400.00
Stenographers (three) salaries.....	1,000.00
Judges of court of appeals (three) salaries....	5,000.00
Clerk of court, salary.....	1,000.00
Bailiff of court, salary.....	400.00
Stenographers (three) salaries.....	1,000.00
District judges (nineteen) salaries.....	25,333.33
District attorneys (thirteen) salaries.....	3,466.66
State engineer, salary.....	1,000.00
Assistants, salaries.....	833.33
Inspector of coal mines, salary.....	666.66
Deputy inspector, salary.....	500.00
Clerk of inspector of coal mines and boiler inspector, salary.....	300.00

Deputy and inspector, traveling expenses....	333.33
State veterinary surgeon, salary.....	500.00
State veterinary sanitary board, expenses...	250.00
State board of arbitration members (two), salaries	333.33
Secretary, salary.....	400.00
Traveling expenses, board and secretary....	83.33
Register of state board of land commissioners, salary	666.66
Deputy register, salary.....	500.00
Appraiser, salary.....	500.00
Chief clerk, salary.....	400.00
Lease clerk, salary.....	400.00
Stenographer, salary.....	333.33
Commissioner of mines, salary.....	833.33
Mine inspectors (two) salaries.....	1,000.00
Stenographer and clerk, salary.....	333.33
Traveling expenses, commissioner.....	333.33
Traveling expenses, inspectors.....	666.67
Clerk and assistant curator, salary.....	500.00
Printing, incidental and operating expenses..	333.34
State Board of Charities and Correction Secretary's salary.....	500.00
Expenses, secretary and board.....	166.66
Stenographer, salary.....	333.33
(The secretary and stenographer of the board of charities and correction shall act as secretary and stenographer of the state board of pardons, without extra compensation.)	
Traveling expenses, state board of pardons..	16.66
For expenses of the state board of law examiners	100.00
State Historical and Natural History Society Curator, salary.....	333.33
Expenses	200.00
State board of equalization, secretary's salary	500.00
Boiler inspector's salary.....	833.33
Assistant inspector, salary.....	500.00
Expenses of boiler inspector.....	166.66

Expenses, assistant boiler inspector.....	166.66
(All salaries, fees and expenses of the boiler inspector to be paid out of the fees collected for the inspection of boilers.)	
State dairy commissioner, salary.....	400.00
Deputy dairy commissioner, salary.....	333.33
Traveling expenses, commissioner & assistant,	166.66
Forest, game and fish commissioner, salary..	600.00
Commissioner's traveling expenses.....	200.00
Clerk	333.33
Forest and game wardens (five) salaries,...	1,500.00
Traveling expenses of wardens (five).....	500.00
Superintendent of fish hatcheries, salary....	400.00
Superintendent's traveling expenses.....	133.33
Deputy superintendents (three), salaries....	1,000.00
Denver hatchery, one assistant, salary.....	300.00
Maintenance	550.00
Gunnison hatchery, one assistant, salary....	200.00
Maintenance	300.00
La Plata hatchery, one assistant, salary....	200.00
Maintenance	300.00
Incidental and contingent expenses of the several executive and judicial departments and state bureaus.....	251,500.00

Sec. 2. The above appropriations are intended to provide for the expenses of the several departments mentioned for the first four months of the current fiscal year, to wit: From December 1, 1900, to March 31, 1901, inclusive.

Term of use.

Sec. 3. All warrants issued under the provisions of this act shall be made only to the party to whom the state has become indebted, including herein all subordinates and employes of heads of departments, and all accounts for services rendered and items furnished, shall, before the issuance of a warrant therefor, be itemized and sworn to before an officer authorized by law to make affidavits, except in the case of duly elected or appointed officers of the state receiving a fixed compensation by

Warrants made to party.

Accounts itemized, sworn to and approved.

Accompanied by vouchers.	law, and the same approved by the proper officer of the state; Provided, That in all cases of cash paid out by the officers for traveling expenses and mileage, said itemized accounts must be accompanied by proper vouchers therefor, signed by the party to whom such money has been paid; Provided, further, That no warrants shall be drawn under the provisions of this act to any officer, or on any fund, until all the fees and emoluments of any kind or nature collected by such officer for the preceding month shall have been accounted for under oath, and the amounts turned over to the state treasurer; and Provided, further, That no warrants shall be drawn, under the provisions of this act, to any officer for mileage, charges of fares for traveling done by him in connection with the duties of his office, until he shall make and file with the officer issuing the warrant his affidavit that no part of said traveling was done on a free or complimentary pass, and that the said charges are not in excess of the amount actually paid by him on account of such traveling.
Fees and emol- uments ac- counted for.	
Mileage and fares.	
Auditing board control fund.	<p>Sec. 4. That said contingent fund of \$251,500, for incidental and contingent expenses of the several executive and judicial departments and state bureaus, shall be under the control and direction of a board consisting of the governor of the state, the auditor of state and the attorney general. The said board shall be known as the state auditing board, and shall sit at least once in each month for the transaction of business. The governor shall be chairman of said board, and the secretary of the state board of equalization shall act as secretary of said board, without additional compensation for his services. Every chief officer connected with any of said departments, whether elected or appointed, shall, from time to time as the necessities of his department require, make and present to the said board estimates of and requisitions for all necessary supplies, printing, postage, stationery, telegraph, telephone and mileage charges, legal fees and charges and other expenses, and other supplies which shall be lawfully required for the use of his department, and no such supplies shall be purchased or</p>
Membership.	
Meetings.	
Officers.	
Compensation.	
Needed sup- plies allowed upon requis- ition.	

furnished, and no such expense shall be paid, until the said board shall have allowed such requisition. So far as possible, the necessary supplies, and particularly the printing required to be done for the said several offices and departments of the state government, shall be furnished and done in as large quantities as practicable, and the said board shall furnish to the secretary of state, upon requisition as above provided, orders for such supplies and printing as they shall allow, who, as the purchasing agent of the state, shall proceed to furnish and supply, and shall furnish and supply the same as required, after proceeding to advertise and take bids therefor as now required by law; Provided, That in case of any deficiency in said contingent fund, the same shall be prorated among all the claimants therefor.

Printing.
Secretary of state receive bids.
Fund prorated.

Sec. 5. All supplies, printing and other things herein provided to be furnished, and the mileage and expenses of the various officers and bureaus necessarily expended in carrying on public business, shall be paid out of the said contingent fund under the control of said board, and when the bills therefor have been allowed by said board the auditor of state shall draw his warrant or warrants therefor, payable only out of said contingent fund, but the receipts shall accompany vouchers and requisitions for moneys expended. The auditor shall submit to the general assembly, in his biennial report, an itemized statement of the expenditures made from the appropriation for the said contingent fund [.]

Auditor draw warrants.
Itemized statement.

Sec. 6. All unexpended balances remaining to the credit of the appropriation herein mentioned shall, when all bills have been paid, be transferred to the general fund.

Unexpended balance.

Sec. 7. In the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Emergency.

Approved March 12, 1901.

CHAPTER 8.

APPROPRIATION.

GENERAL.

(H. B. No. 430.)

AN ACT

TO PROVIDE FOR THE ORDINARY AND CONTINGENT EXPENSES OF THE EXECUTIVE, LEGISLATIVE AND JUDICIAL DEPARTMENTS OF THE STATE, FOR THE FISCAL YEARS 1901 AND 1902, AND TO CREATE A STATE AUDITING BOARD WITH CERTAIN DUTIES HEREIN PRESCRIBED WITH REFERENCE TO THE DISBURSEMENT OF THE CONTINGENT FUND.

Be it Enacted by the General Assembly of the State of Colorado:

General appro-
priation.

Section 1. That the following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury belonging to the general revenue fund, not otherwise appropriated, for the salaries and expenses of the executive, legislative and judicial departments of the State for the fiscal years 1901 and 1902, less the amount already paid from the appropriation of \$341,293.16 made by the Thirteenth General Assembly and approved March 12, 1901, to-wit:

	For the Fiscal Year ending Nov. 30, 1901.	For the Fiscal Year ending Nov. 30, 1902.	Total.
Governor's salary.....	\$5,000	\$5,000	\$10,000
Private Secretary.....	1,500	1,500	3,000
Clerk and stenographer.....	1,200	1,200	2,400
Clerk and stenographer.....	1,200	1,200	2,400
Contingent fund.....	2,500	2,500	5,000
Lieutenant Governor's salary	1,000	1,000	2,000
Contingent fund.....	500	500	1,000

	For the Fiscal Year ending Nov. 30, 1901.	For the Fiscal Year ending Nov. 30, 1902.	Total.
Secretary of State, salary...	3,000	3,000	6,000
Deputy Secretary of State, salary	2,500	2,500	5,000
One chief clerk's salary.....	1,500	1,500	3,000
One Printing clerk, salary...	1,500	1,500	3,000
Clerical assistance, salaries.	10,000	10,000	20,000
Clerk and stenographer, sal- ary	\$1,200	1,200	24,000
Secretary of State, office ex- penses	1,850	1,850	3,700
Four extra clerks at \$1200 each per annum provided H. B. No. 4 becomes a law, and two additional clerks at \$1200. each per annum provided H. B. No. 1 be- comes a law.			
Deputy Labor Commission- er	1,800	1,800	36,000 [3,600]
Expenses of Deputy labor Commissioner	400	400	800
Auditor of State, Salary.....	2,500	2,500	5,000
Deputy, Salary.....	2,500	2,500	5,000
Bookkeeper, salary,.....	1,500	1,500	3,000
Assistant Bookkeeper and voucher clerk.....	1,200	1,200	2,400
(One extra bookkeeper, salary \$1200 per year. To be paid out of the contingent [contingent] fund provid- ed House Bill No. 1 be- comes a law. and not other- wise)			
State Treasurer, Salary,.....	6,000	6,000	12,000
Deputy, Salary,.....	2,500	2,500	5,000

	For the Fiscal Year ending Nov. 30, 1901.	For the Fiscal Year ending Nov. 30, 1902.	Total.
Bookkeeper salary,.....	1,500	1,500	3,000
Registry [Registry] Clerk, salary,	1,200	1,200	2,400
(One lisencc [license] clerk at \$1200 per year, to be paid out of the contingent [contingent] fund, provided House Bill No. 1 becomes a law and not otherwise.)			
Supertendent [Superintend- ent] of public instruction.	3,000	3,000	6,000
Assistant, salary.....	1,500	1,500	3,000
Traveling expenses,.....	500	500	1,000
Clerical assistance,.....	250	250	500
Maintance [Maintenance] of state liabary [library]....	500	500	1,000
Clerk and Stenographer, sal- ary,	1,000	1,000	2,000
Assistant state liabararian [li- brarian], salary,.....	1,000	1,000	2,000
Attorney General, Salary,...	3,000	3,000	6,000
Deputy, Salary.....	2,500	2,500	5,000
Assistant Attorney general, salary,	2,250	2,250	4,500
Clerk and stenographer.....	1,200	1,200	2,400
Justices of the Supreme Court (3) Salaries,.....	15,000	15,000	30,000
Clerical [Clerk] of Supreme Court, salary,	3,500	3,500	7,000
Deputy clerk of Supreme Court, Salary.....	1,500	1,500	3,000
Supreme Court Reporter, Sal- ary,	3,000	3,000	6,000
(The supreme court stenog- raphers shall also do such stenographic work as the			

	For the Fiscal Year ending Nov. 30, 1901.	For the Fiscal Year ending Nov. 30, 1902.	Total.
supreme court reporter may have to do.)			
Judges Court of Appeals (3)			
Salaries,	15,000	15,000	30,000
Clerk of Court, salaries.....	3,000	3,000	6,000
Bailiff of Court, Salary.....	1,200	1,200	2,400
Stenographer (3) Salaries...	3,000	3,000	6,000
District Judges (19) Sala- ries	76,000	76,000	152,000
District Attorneys (13) Sala- ries,	10,400	10,400	20,800
State Engineer, Salary.....	3,000	3,000	6,000
Traveling and incidental ex- penses	500	500	1,000
Assistant's salary,.....	2,500	2,500	5,000
Inspector of Coal Mines, Sal- ary,	2,000	2,000	4,000
Deputy Inspector, Salary....	1,500	1,500	3,000
Clerk of Inspector of Coal Mines and Boiler Inspector	1,000	1,000	2,000
Deputy Inspector traveling expenses	1,000	1,000	2,000
State Veterinary Surgen [Surgeon], Salary,.....	1,500	1,500	3,000
State Veterinary Sanitary Board, Expenses.....	750	750	1,500
State Board of Arbitration [Arbitration], (2) Members,	1,000	1,000	2,000
Secretary's salary,.....	1,200	1,200	2,400
Traveling expenses Board and Secretary.....	250	250	500
Register of State Board of Land Commissioners, Sal- ary	2,000	2,000	4,000
Deputy Register, Salary.....	1,800	1,800	3,600
Two appraisers, Salary.....	3,000	3,000	6,000

	For the Fiscal Year ending Nov. 30, 1901.	For the Fiscal Year ending Nov. 30, 1902.	Total.
Chief Clerk, Salary.....	1,200	1,200	2,400
Lease Clerk, Salary.....	1,200	1,200	2,400
Stenographer, Salary.....	1,000	1,000	2,000
Indemnity Clerk, Salary....	1,200	1,200	2,400
To re-imbursed [reimburse] the unapplied cash fund for moneys taken therefrom by order of the board, to pay filing fees for indemnity selections during 1899 and 1900			1,444
For expenses of the State Board of Land Commis- sioners, Viz., Appraising for lease, appraising for sale, advertiseing [adver- tising], plating [platting], surveying, expenses of sell- ing, fees of register and received [receiver], County Clerk fees and expenses, Traveling expenses, compli- cation [compilation] of new recprds [records], re-com- pilation [re-compilation] of old records, making new indexes, making new platt [plat] books, and other inci incidental expenses of the State Board of Land Commissioners,	2,500	2,500	5,000
Commissioner of Mines, sal- ary	2,500	2,500	5,000
Mine inspectors (2), salaries.	3,000	3,000	6,000
Stenographer and clerk, sal- ary,	1,000	1,000	2,000

	For the Fiscal Year ending Nov. 30, 1901.	For the Fiscal Year ending Nov. 30 1902.	Total.
Traveling expenses Commis- sioner	1,000	1,000	2,000
Traveling expenses inspect- ors (2)	1,000	1,000	2,000
Clerk and assistant curator.	1,500	1,500	3,000
State Board of Charities and Corrections Secretary's sal- ary	1,500	1,500	3,000
Traveling expenses secretary and board,	400	400	800
Incidental expenses.....	100	100	200
Stenographer's salary.....	1,000	1,000	2,000
(The Secretary and stenog- rapher of the Board of Charities and Corrections shall act as secretary and stenographer of the State Board of Pardons without extra compensation.)			
Traveling expenses State Board of Pardons.....	50	50	100
State Board of Law examin- ers	300	300	600
State Historical and Natural History Society, Curator, salary	1,000	1,000	2,000
Expenses	800	800	1,600
State Board of Equalization. Secretary's salary.....	1,500	1,500	3,000
Boiler Inspector's salary....	2,500	2,500	5,000
Assiatant [Assistant] inspec- tor, salary.....	1,500	1,500	3,000
Expenses Boiler inspector...	500	500	1,000
Expenses of assistant inspec- tor	500	500	1,000
All salaries and expenses of the Boiler inspector to be			

	For the Fiscal Year ending Nov. 30, 1901.	For the Fiscal Year ending Nov. 30, 1902.	Total.
paid out of the fees collected for the inspection of boilers.			
State Dairy Commissioner, salary	1,200	1,200	2,400
Deputy Dairy Commissioner, salary	1,000	1,000	2,000
Traveling expenses Commissioner and assistant	500	500	1,000
Forest, Game and Fish Commissioners traveling expenses	1,800	1,800	3,600
Clerk	500	500	1,000
Forest and Game Wardens (5) Salaries	900	900	1,800
One special game warden... ..	4,500	4,500	9,000
Traveling expenses game warden	900	900	1,800
Supertendent [Superintendent] of Fish hatcheries, Salary	1,500	1,500	3,000
Supertendent [Superintendent] traveling expenses,...	1,200	1,200	2,400
Deputy supretendents [Superintendents] (3) Salaries,	400	400	800
Distribution of ova and young fry,	3,000	3,000	6,000
Denver Hatchery, one assistant, Salary.....	250	250	500
Maintenance	600	600	1,200
Gunnison Hatchery, one assistant, Salary.....	900	900	1,800
Maintenance,	600	600	1,200
For new pipe line,.....	900	900	1,800
	800		800

	For the Fiscal Year ending Nov. 30, 1901.	For the Fiscal Year ending Nov. 30, 1902.	Total.
La Plata Hatchery, One as- sistant, Salary,.....	600	600	1,200
Maintenance	900	900	1,800
Maintenance Emerald Blakes Hatchery	500	500	1,000
Gathering spawn for all hatcheries,	800	800	1,600

Provided, That the above amounts shall be used and paid only as required for salaries and expenses as provided by law, and not otherwise.

For the per diem [diem] and mileage of members of the THIRTEENTH GENERAL ASSEMBLY, the per diem [diem] of officers, clerks, sergeants-at-arms, pages, janitors, chaplains [chaplains] and other employes of the Thirteenth General Assembly in excess of the amount already appropriated, to pay the salaries above enumerated [enumerated] and not already paid from the appropriation of eighty seven thousand and two hundred dollars (\$87,200) made by the Thirteenth General Assembly and approved January 18, 1901.....

Per diem and
mileage of
members of
legislature.

25,000

Legislative expenses, incurred by either House of

Legislative ex-
penses.

	For the Fiscal Year ending Nov. 30, 1901.	For the Fiscal Year ending Nov. 30, 1902.	Total.
the Thirteenth General Assembly in excess of the amount already appropriated			2,000

Incidental and
contingent ex-
penses.

Sec. 2. To provide for the incidental and contingent [contingent] expenses of the several departments of government and the various beaurous [bureaus] and officers connected therewith and for the printing of the said departments and bureaus, there is hereby appropriated the sum of ninety thousand dollars (\$90,000), less the amount of twelve thousand dollars (\$12,000) already paid from the appropriation of eighth [eighty] seven thousand two hundred dollars (\$87,200) made by the Thirteenth General Assembly and approved January 18, 1901.

Printing—
Thirteenth
General As-
sembly.

Twenty five thousand dollars (\$25,000) of which may be used for the printing required by the Thirteenth General Assembly for the years 1901 and 1902, viz., House and senate bills, Calendars roll calls, reports, letter heads and envelopes, rules, bill covers, engrossing blanks, session laws of the Thirteenth General Assembly, constitutional amendments, house and senate journals of the Thirteenth General Assembly, Reports of state officers, departments and instutions [institutions], message and inaugural of the Governor, printing acts and parts of acts or any printing required by law or ordered by either branch of the General Assembly, or so much thereof as may be necessary.

Auditing board
control fund.

Membership,

Meetings.

Officers.

Sec. 3. The said contingent fund shall be under the control and direction of a board consisting of the Governor of the state, the auditor of state and attorney general. The said Board shall be known as the state auditing board and shall sit at least once in each month for the transaction of business. The governor shall be chairman of said board, and the secretary of the state

board of equalization shall act as secretary of said state auditing board without additional compensation for his services. Compensation of secretary.

The chief officer of each of the several branches of the executive and judicial departments, whether elected or appointed, shall, from time to time as the necessities of his department require, make and present to the said board, estimates of and requisitions for, all necessary supplies, printing, postage, stationery, telegraph [telephone], telephone and mileage charges, legal fees and charges and other expenses, and other supplies which shall lawfully be required for the use of his department, and no such supplies shall be purchased or furnished, and no such expenses shall be paid, until the said board shall have allowed the requisitions. Needed supplies. So far as possible, the necessary supplies, and particularly the printing required to be done for the several offices and departments for the state government, shall be furnished and done in as large quantities and amounts as practicable and by individuals or firms with established places of business in the state, and the said board shall furnish to the Secretary of State, upon requisition as above provided, orders for such supplies and printing as they shall allow, and the board, as the purchasing agent of the state, shall proceed to furnish and supply the same as required, after proceeding to advertise and take bids therefor as now required by law. Allowed upon requisition.

Sec. 4. All supplies, printing and other things herein provided to be furnished, and the expenses of the various offices and bureaus necessarily expended in carrying on the public business, shall be paid out of the contingent fund under the control of the said board, and when the bills therefor have been allowed by said board, the auditor of state shall draw his warrant or warrants therefor payable only out of the said contingent fund, but the receipt shall accompany vouchers and requisitions for moneys expended. Auditor draw warrants.

Sec. 5. The auditor shall submit to the general assembly, in his biennial report, and [an] itemized statement. Itemized statement.

ment of the expenditures made from the appropriations for the said contingent fund.

Warrants made
to party.

Sec. 6. All warrants issued under the provisions of this act shall be made only to the party to whom the state has become indebted, including all subordinates and employes of departments and all accounts for services rendered and items furnished, shall, before the issuance of a warrant therefor, be itemized and sworn to before an officer authorized by law to make affidavits, except in the case of duly elected or appointed officers of the state receiving a fixed compensation by law, and the same approved by the proper officer of the state; provided, that in all cases of cash paid out by the officers for traveling expenses and mileage, said itemized account must be accompanied by proper vouchers therefor, signed by the party to whom such money has been paid; provided, further, that no warrant shall be drawn under the provisions of this act to any officer for traveling expenses incurred by him in connection with the duties of his office, until he shall make and file with the officer issuing the warrant his affidavit that no part of said traveling was done on a free or complimentary pass, and that the said charges are not in excess of the amount actually paid by him on account of such traveling.

Accounts item-
ized, sworn to
and approved.

Accompanied
by vouchers.

Traveling ex-
penses.

Unexpended
balance.

Sec. 7. All unexpended balances remaining to the credit of any appropriation herein mentioned shall, when all bills have been paid, be transferred to the general fund.

Emergency.

Sec. 8. In the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force from and after iss [its] passage.

Approved April 4, 1901.

CHAPTER 9.

APPROPRIATION.RELIEF OF M. C. HAYES.

(S. B. No. 285, by Senator Barela.)

A N A C T

APPROPRIATING MONEY TO PAY M. C. HAYES AS SERGEANT-AT-ARMS DURING THE OPENING DAYS OF THE SESSION OF THE SENATE OF THE THIRTEENTH GENERAL ASSEMBLY.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. Whereas, M. C. Hayes served as ser-geant-at-arms for three days during the opening days of the senate of the Thirteenth General Assembly; there is hereby appropriated out of the general fund the sum of fifteen dollars (\$15.00) for the payment of such services.

Sec. 2. The auditor of state is hereby authorized to issue a warrant in the following amount, to M. C. Hayes: \$15.00. Auditor issue
warrant.

Sec. 3. In the opinion of the General Assembly an emergency exists; therefore, this act shall be in force and take effect from and after its passage. Emergency.

Approved April 10, 1901.

CHAPTER 10.

APPROPRIATION.

HOME FOR DEPENDENT AND NEGLECTED CHILDREN.

(H. B. No. 73, by Mr. Montgomery.)

A N A C T

TO PROVIDE FOR THE SUPPORT AND MAINTENANCE OF THE STATE HOME FOR DEPENDENT AND NEGLECTED CHILDREN, AND TO PROVIDE LANDS AND IMPROVE THE SAME AND TO ERECT SUITABLE BUILDINGS THEREON, AND TO EQUIP AND FURNISH THE SAME FOR A PERMANENT HOME FOR THE DEPENDENT AND NEGLECTED CHILDREN OF THE STATE OF COLORADO AND MAKING APPROPRIATIONS THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado:

Appropriation.	Section 1. That there is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of forty-three thousand dollars (\$43,000) for the general support and maintenance of the state home for dependent and neglected children for the biennial period beginning December 1, 1900, and ending November 30, 1902, and for such other purposes as the board of control may direct. Said sum to be paid as provided for in Section 3 of an act "In relation to the establishment of a state home for dependent and neglected children and making an appropriation therefor," approved April 10, 1895.
Support and maintenance.	
How paid.	

Emergency.	Sec. 2. Whereas, In the opinion of the general assembly an emergency exists; now, therefore, this act shall take effect and be in force from and after its passage.
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Approved April 10, 1901.

CHAPTER 11.

APPROPRIATION.

HORTICULTURE.

H. B. No. 321, by Mr. Weldon.)

A N A C T

MAKING AN APPROPRIATION FOR THE STATE BOARD OF HORTICULTURE FOR THE YEARS OF 1901 AND 1902.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That five thousand (\$5,000.00) dollars is Appropriation. hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to the state board of horticulture for the purpose of carrying out the provisions of an act entitled "An act to create a state board of horticulture; define its duties and compensations; to protect and promote the horticultural interests of the state; making an appropriation therefor; and to repeal an act to establish a bureau of horticulture, approved March 8, 1883; also, an act to create state and county boards of horticulture, ect., [etc.] approved April 5, 1895, approved April 15, 1897" State Board of Horticulture.

Sec. 2. That the said appropriation is made for the two years 1901 and 1902, (commencing December 1, 1900 ending November 30, 1902) one half of said amount to be used during the first year and the other one-half during the second year. It is further provided that from the said two thousand five hundred (\$2,500.00) dollars hereby appropriated for each of the above named years, the sum of two hundred (\$200.00) dollars is hereby set apart, for each of the two years above mentioned, as a special appropriation to pay the costs of the annual [annual] horticultural convention of the state. Period for which made.
Horticultural convention.

Auditor draw
warrants.

Sec. 3. The state auditor is hereby authorized to draw warrants for the payment of the expenses of said board, upon vouchers certified by the president of the board of horticulture and attested by the secretary thereof.

Emergency.

Sec. 4. In the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force on and after its passage.

Approved April 15, 1901.

CHAPTER 12.

APPROPRIATION.

INDUSTRIAL SCHOOL.

(H. B. No. 132, by Mr. Carringer.)

AN ACT

MAKING APPROPRIATION FOR THE SUPPORT, MAINTENANCE AND IMPROVEMENT OF THE STATE INDUSTRIAL SCHOOL AT GOLDEN, COLORADO, FOR THE TWO YEARS ENDING NOVEMBER 30, 1902.

Be it Enacted by the General Assembly of the State of Colorado:

Appropriation.

Support and
maintenance.

Buildings.

Equipments.

Section 1. That for the general support and maintenance of the State Industrial School at Golden, Colorado, for the period commencing December 1, 1900, and ending November 30, 1902, including salaries of officers and employes, buying stock for farm and school uses, building fences and repairing same; buying machinery and repairing same; erecting a dining room, kitchen, assembly hall, cottage, hospital ward, steel stand pipe and sinking a well, purchasing manual training tools, machinery and gymnasium apparatus, repairs on buildings and miscellaneous expenses or for any other purposes

the board of control may find necessary to the school's proper conduct and welfare, there is hereby appropriated out of any funds in the state treasury, not otherwise appropriated, the sum of ninety thousand (\$90,000) dollars, together with the cash receipts of the institution for the two years aforesaid. Nothing in this act shall be construed to authorize any expenditures or the contracting of any indebtedness, in excess of the amount of the appropriation herein provided for. Cash receipts.

Sec. 2. The state auditor, upon certified vouchers of the board of control and superintendent of the State Industrial School, shall draw his warrant upon the State treasury in payment of the moneys hereby appropriated. Auditor draw warrant.

Sec. 3. Whereas, In the opinion of the general assembly an emergency requiring the immediate effect and operation of this act exists; therefore, this act shall take effect from and after its passage. Emergency.

Approved April 16, 1901.

CHAPTER 13.

APPROPRIATION.

INDUSTRIAL SCHOOL FOR GIRLS.

(H. B. No. 31, by Mrs. Heartz.)

A N A C T

TO MAKE AN APPROPRIATION FOR THE STATE INDUSTRIAL
SCHOOL FOR GIRLS.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That there be and hereby is appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of seventeen thousand (\$17,000.00) dollars for the purpose of erecting a cottage, a school Appropriation.
Buildings and equipments.

house, a hospital, a dining room, a kitchen and a barn upon the lands owned by the State Industrial School for Girls, and for the purpose of furnishing and equipping the said buildings and for making such improvements therefor and for such expenses as may be deemed necessary by the board of control of said school.

Balance of purchase price.

Sec. 2. That there be and hereby is appropriated out of any moneys in the state treasury the sum of three thousand (\$3,000.00) dollars for the purpose of paying the balance of the purchase price upon the premises obtained for the State Industrial School for Girls.

Pumping equipments and general expenses.

Sec. 3. That there be and hereby is appropriated out of any moneys in the state treasury the sum of \$5,000.00 for the purpose of paying for the engine and equipments for pumping water necessary for the State Industrial School for Girls, for furnishing the necessary improvements and repairs to the buildings and grounds of the said school and for such other general expenses as may be deemed necessary by the board of control of said school.

Vouchers drawn by board.

Sec. 4. All moneys herein appropriated shall be expended by the board of control, and shall be paid by vouchers drawn by the said board, signed by its president and secretary. Nothing in this act shall be construed to authorize any expenditures, or the contracting of any indebtedness in excess of the amount of the appropriation herein provided for.

Emergency.

Sec. 5. In the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 9, 1901.

CHAPTER 14.

APPROPRIATION.

INSANE ASYLUM.

(S. B. No. 167, by Senator Lewis.)

A N A C T

TO PROVIDE FOR THE PAYMENT OF A PART OF THE MAINTENANCE, SUPPORT AND INCIDENTAL EXPENSES OF THE STATE INSANE ASYLUM FOR THE YEARS 1901 AND 1902, AND FOR THE PROTECTION OF THE PROPERTY THEREOF.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That there is hereby appropriated, out **Appropriation.**
of any moneys in the State Treasury not otherwise appropriated, as part payment of the expenses of the State Insane Asylum, for maintenance, support and incidental **Maintenance, support and protection.**
expenses, including the salaries of officers and employes, for the years 1901 and 1902, commencing December 1, 1900, and ending November 30, 1902, the sum of twenty-five thousand dollars (\$25,000); and for the protection of the property of said asylum against the encroachment of the Arkansas river, the sum of seven thousand five hundred dollars (\$7,500), to be used exclusively for the purposes aforesaid, and the Auditor is hereby authorized to draw warrants for the payment of vouchers certified **Auditor draw warrants.**
by the president of the board of lunacy commissioners and attested by the secretary thereof.

Sec. 2. In the opinion of the General Assembly an **Emergency.**
emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved March 1, 1901.

CHAPTER 15.

APPROPRIATION.**INSANE ASYLUM.**

(S. B. No. 93, by Senator Lewis.)

A N A C T

MAKING APPROPRIATIONS FOR THE SUPPORT AND MAINTENANCE OF THE COLORADO INSANE ASYLUM, INCLUDING THE PAYMENT OF SALARIES TO THE OFFICERS AND EMPLOYEES THEREOF, FOR THE MAKING OF NECESSARY REPAIRS, FOR MAKING IMPROVEMENTS AND FOR THE INSURANCE OF THE INSTITUTION AGAINST LOSS BY FIRE.

Be it Enacted by the General Assembly of the State of Colorado:

Appropriation.
Support and
maintenance.

Section 1. For the general support and maintenance of the Colorado Insane Asylum, including the salaries of the officers and employes of the institution, there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of seventy-five thousand dollars (\$75,000.00), for the period commencing December 1, 1900, and ending November 30, 1902.

Heating plant
and laundry.

Sec. 2. That for the purpose of erecting a steam heating plant and a laundry for said institution there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of twenty thousand dollars (\$20000.00).

Fire escapes.

Sec. 3. That for the purpose of providing the asylum buildings with fire escapes there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of three thousand dollars (\$3000.00).

Sec. 4. That for the purpose of making necessary repairs there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of six thousand dollars (\$6000.00). Necessary repairs.

Sec. 5. That for the purpose of insuring the buildings of said institution against loss by fire there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of five thousand dollars (\$5000.00). Insurance.

Sec. 6. The appropriations herein made are in addition to the appropriation of twenty-five thousand dollars (\$25000.00) for maintenance of the asylum and seven thousand five hundred dollars (\$7500.00) for the protection of the asylum grounds appropriated by an act approved March 1, 1901. In addition to prior appropriations.

Sec. 7. There is hereby appropriated for the insane asylum not to exceed the sum of one hundred and nine thousand dollars (\$109,000.00), as specified herein, or so much thereof as may be necessary with the one-fifth mill levy provided for by law for said institution, to make the total appropriation for said institution two hundred and forty-one thousand five hundred dollars (\$241,500.00) for the years 1901 and 1902; and the amount herein appropriated is not to exceed a sum necessary to bring to a total of two hundred and forty-one thousand five hundred dollars (\$241,500.00) the entire appropriation for said institution for the two years 1901 and 1902, including the sum of thirty-two thousand five hundred dollars (\$32,500.00) appropriated by act of the Thirteenth General Assembly, approved March 1, 1901; and including the amount derived from said one-fifth mill levy; the total sum to be used by the board of lunacy commissioners in any event not to exceed the sum of two hundred and forty-one thousand five hundred dollars (\$241,500.00) for the years 1901 and 1902. Nothing in this act shall be construed to authorize any expenditure or the contracting of any indebtedness in excess of the amount of the appropriation herein provided for, namely, two Appropriation in addition to one-fifth mill levy.

hundred and forty-one thousand five hundred dollars (\$241,500.00).

Sec. 8. That all moneys appropriated by this act shall be expended under the direction and control of the superintendent of the asylum and of the state board of lunacy commissioners, and the state auditor is hereby authorized and directed to draw his warrants for the payment of the same upon vouchers certified by the president of the board of lunacy commissioners and attested by the secretary thereof.

Auditor draw
warrants.

Vouchers.

Emergency.

Sec. 9. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 8, 1901.

CHAPTER 16.

APPROPRIATION.

LIBRARY COMMISSIONERS.

(H. B. No. 369, by Mr. Meredith.)

AN ACT

MAKING AN APPROPRIATION FOR THE STATE BOARD OF
LIBRARY COMMISSIONERS FOR THE YEARS 1901 AND
1902.

Be it Enacted by the General Assembly of the State of Colorado:

Appropriation.

Section 1. That there is hereby appropriated, for the expense of the state board of library commissioners, for the years 1901 and 1902, the sum of five hundred dollars (\$500.00), the same to be drawn upon vouchers certified by the president and secretary of said board, two hundred fifty dollars (\$250.00) for the year 1901, and two hundred fifty dollars (\$250.00) for the year 1902.

Vouchers.

Sec. 2. Whereas, In the opinion of the general as- **Emergency.**
sembly an emergency exists; therefore, this act shall
take effect and be in force from and after its passage, [.]

Approved April 29, 1901.

CHAPTER 17.

APPROPRIATION.

PENITENTIARY.

(S. B. No. 33, by Senator Moore.)

A N A C T

TO PROVIDE FOR THE PAYMENT OF A PART OF THE EXPENSE
OF MAINTENANCE, SUPPORT AND INCIDENTAL EXPENSES
OF THE STATE PENITENTIARY FOR THE YEARS 1901 AND
1902.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That there is hereby appropriated out of **Appropriation.**
any moneys in the State Treasury, not otherwise appro-
priated, as part payment of the expenses of the State
Penitentiary for maintenance, support and incidental ex- **Maintenance,**
penses, including the salaries of officers and employees **support and**
for the years 1901 and 1902, commencing December 1st, **incidentals.**
1900, and ending November 30th, 1902, the sum of Twen-
ty-Five Thousand Dollars (\$25,000.), to be used exclu-
sively for the purposes aforesaid, and the Auditor is **Auditor draw**
hereby authorized to draw warrants for the payment of **warrants.**
vouchers certified by the President of the Board of Pen-
itentiary Commissioners and attested by the Secretary
thereof.

Sec. 2. In the opinion of the General Assembly an **Emergency.**
emergency exists; therefore, this act shall take effect and
be in force from and after its passage.

Approved February 15, 1901.

CHAPTER 18.

APPROPRIATION.PENITENTIARY.

(S. B. No. 127, by Senator Moore.)

AN ACT

MAKING AN APPROPRIATION FOR THE MAINTENANCE AND
SUPPORT OF THE PENITENTIARY FOR THE YEARS OF
1901 AND 1902.*Be it Enacted by the General Assembly of the State of Colorado:*

Appropriation.

Section 1. That there be, and hereby is, appropriated out of any moneys in the state treasury, not otherwise appropriated, to the state penitentiary, for the years 1901 and 1902, commencing December 1, 1900, and ending November 30, 1902, the sum of one hundred and seventy thousand dollars (\$170,000), or so much thereof as may be necessary, together with the earnings of said institution, to maintain, support and pay the incidental expenses, including the salaries of the officers and employes, and also to pay the expenses of the lime kilns, quarries, brickyards and garden work of said institution.

Earnings.

Maintenance,
support and
incidentals.Auditor draw
warrants.

Sec. 2. The said appropriation shall be used exclusively for the purposes aforesaid, and the warden of the penitentiary is hereby required to open and keep an account with each item of the appropriation, and the auditor is hereby authorized to draw warrants for the payment of the same, upon vouchers certified by the president of the board of commissioners, and attested by the secretary thereof. Nothing in this act shall be construed to authorize any expenditures or the contracting of any

indebtedness in excess of the amount of the appropriation herein provided for.

Sec. 3. In the opinion of the general assembly an Emergency. emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 8, 1901.

CHAPTER 19.

APPROPRIATION.

PENITENTIARY IMPROVEMENTS.

(S. B. No. 126, by Senator Moore.)

A N A C T

TO APPROPRIATE MONEY FOR THE PURPOSE OF MAKING REPAIRS AND IMPROVEMENTS AT THE STATE PENITENTIARY.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That there is hereby appropriated Appropriation. out of any moneys in the state treasury, not otherwise appropriated, the sum of two thousand five hundred dollars (\$2,500) for the purpose of making repairs and im- Repairs and improvements. provements at the state penitentiary.

Sec. 2. Said appropriation shall be used exclusively Uses. for the purposes aforesaid, and the warden of the penitentiary is hereby required to open and keep an account with each item of the appropriation; and the auditor is hereby authorized to draw warrants for the payment of Auditor draw warrants. the same upon vouchers certified by the president of the board of commissioners, and attested by the secretary thereof.

Sec. 3. In the opinion of the general assembly an Emergency. emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 8, 1901.

CHAPTER 20.

APPROPRIATION.

PUBLIC HEALTH.

(H. B. No. 181, by Mr. Rawalt.)

AN ACT

MAKING AN EMERGENCY APPROPRIATION FOR THE STATE BOARD OF HEALTH.

Be it Enacted by the General Assembly of the State of Colorado:

Appropriation.

Section 1. In view of the present epidemic of contagious diseases there is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the use of the State Board of Health in the suppression of said epidemic, the sum of four thousand dollars (\$4,000.00), the same to be drawn by vouchers certified by the President and Secretary of said Board.

Suppression of epidemic.

Emergency.

Sec. 2. Whereas, in the opinion of the General Assembly, an emergency exists; therefore, this act shall take effect from and after its passage.

Approved February 28, 1901.

CHAPTER 21.

APPROPRIATION.

PUBLIC HEALTH.

(H. B. No. 9, by Mr. Ballinger.)

AN ACT

MAKING AN APPROPRIATION FOR THE STATE BOARD OF
HEALTH FOR 1901 AND 1902.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That there is hereby appropriated out of Appropriation. the funds in the treasury, not otherwise appropriated, for the payment of the salary of the secretary, the con- Salary and
tingent expenses of the state board of health, for san- contingent ex-
itary analyses and for the purposes of inspection for the penses.
years 1901 and 1902, the sum of six thousand dollars Vouchers.
(\$6,000.00), the same to be drawn by vouchers certified
by the president and secretary of said board; three thou-
sand dollars (\$3,000.00) for the year 1901, and three thou-
sand dollars (\$3,000.00) for the year 1902.

Sec. 2. Whereas, In the opinion of the general as- Emergency.
sembly an emergency exists; therefore, this act shall take
effect and be in force from and after its passage.

Approved April 12, 1901.

CHAPTER 22.

APPROPRIATION.

H. N. SALES.

(S. B. No. 5, by Senator Whitford.)

AN ACT

APPROPRIATING MONEY TO PAY H. N. SALES FOR SERVICES RENDERED DURING THE OPENING DAYS OF THE SESSION OF THE SENATE OF THE THIRTEENTH GENERAL ASSEMBLY.

Be it Enacted by the General Assembly of the State of Colorado:

Appropriation.

Section 1. Whereas, H. N. Sales served as secretary in the opening days of the session of the Senate of the Thirteenth General Assembly, and prior to its organization; there is hereby appropriated out of the general fund the sum of twenty-five dollars (\$25.00) for the payment of such services.

Auditor issue warrant.

Sec. 2. The Auditor of the State is hereby authorized to issue a warrant in the following amount; To H. N. Sales, \$25.00

Emergency.

Sec. 3. In the opinion of the General Assembly an emergency exists; therefore, this act shall be in force and take effect from and after its passage.

Approved April 27, 1901.

CHAPTER 23.

APPROPRIATION.

SCHOOL FOR DEAF AND BLIND.

(S. B. No. 134, by Senator Seldomridge.)

A N A C T

TO APPROPRIATE THE SUM OF EIGHTEEN THOUSAND DOLLARS FOR THE USE OF THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That there be and is hereby appropriated out of the moneys in the state treasury, not otherwise appropriated, the sum of eighteen thousand dollars (\$18,000) for the additional support and maintenance of the Colorado School for the Deaf and the Blind, for the purchase of additional land for said school, for insuring the property thereof, for making any necessary or proper repairs and improvements in, for and about the same, and to pay any deficit that may have been heretofore incurred in the maintenance of said institution. That the above appropriation for the Colorado School for the Deaf and Blind shall not exceed the sum of eighteen thousand dollars (\$18,000), or so much thereof as may be necessary with the one-fifth of a mill levy provided for by law for said institution to make the appropriation for the sum of one hundred and eighteen thousand dollars (\$118,000), for the years 1901 and 1902 and the amount herein appropriated out of said eighteen thousand dollars (\$18,000) is not to exceed the sum necessary to make the entire appropriation for said institution for the two years including the amount derived from said one fifth mill

Appropriation.

Support and maintenance.

Land, insurance, repairs and improvements.

In addition to one-fifth mill levy.

levy not to exceed the sum of one hundred and eighteen thousand dollars (\$118,000). Nothing in this act shall be construed to authorize any expenditures or the contracting of any indebtedness in excess of the appropriation herein provided for.

Auditor draw
warrant.

Sec. 2. That all moneys appropriated by this act shall be expended under the direction and control of the board of trustees of the Colorado School for the Deaf and the Blind, and the auditor is hereby instructed, upon the presentation of the order of said board of trustees, signed by the president thereof and countersigned by the secretary, to draw his warrant in favor of the said school in the sum of eighteen thousand dollars (\$18,000).

Emergency.

Sec. 3. Whereas, in the opinion of the general assembly, an emergency exists; therefore, this act shall be in force and take effect from and after its passage.

Approved April 16, 1901.

CHAPTER 24.

APPROPRIATION.

SCHOOL OF MINES.

(H. B. No. 14, by Mr. Carringer.)

AN ACT

MAKING AN APPROPRIATION FOR THE ERECTION OF AN ADDITIONAL BUILDING AT THE STATE SCHOOL OF MINES AT GOLDEN, AND FOR PROVIDING HEATING AND HYGIENIC APPLIANCES FOR THE SAID INSTITUTION.

Be it Enacted by the General Assembly of the State of Colorado:

Appropriation.

Section 1. There is hereby appropriated out of any funds in the treasury not otherwise appropriated, from the revenues of the fiscal years of 1901 and 1902, the sum of twenty-five thousand dollars (\$25,000) for the erection

of an additional building at the State School of Mines, Building and
at Golden, said building to be known as the Hall of Met- equipment.
allurgy, and to provide proper heating and hygienic ap-
pliances for the said building, and for the other build-
ings of said institution.

Sec. 2. There is hereby appropriated for the State In addition to
School of Mines not to exceed the sum of twenty-five one-fifth mill
thousand dollars (\$25,000) or so much thereof as may be levy.
necessary with the one-fifth of a mill levy provided for
by law for said institution to make the total appropria-
tion for the same one hundred and twenty-five thousand
dollars (\$125,000) for the years 1901 and 1902 and the
amount herein appropriated out of said twenty-five thou-
sand dollars (\$25,000) provided for in section 1 of this
act is not to exceed a sum necessary to make the entire
appropriation for said institution for the two years, in-
cluding the amount derived from said one-fifth mill levy,
not to exceed the sum of one hundred and twenty-five
thousand dollars (\$125,000). Nothing in this act shall
be construed to authorize any expenditure or the con-
tracting of any indebtedness in excess of the amount
of the appropriation herein provided for.

Sec. 3. Whereas, in the opinion of the general as- Emergency.
sembly, and emergency exists; therefore, this act shall
take effect from and after its passage.

Approved April 9, 1901.

CHAPTER 25.

APPROPRIATION.**SOLDIERS' AND SAILORS' HOME.**

(S. B. No. 259, by Senator Roe.)

A N A C T**TO MAKE AN APPROPRIATION FOR THE SOLDIERS' AND SAILORS' HOME.***Be it Enacted by the General Assembly of the State of Colorado:***Appropriation.**

Section 1. There is hereby appropriated out of any money in the treasury not otherwise appropriated, of the years 1901 and 1902, for maintenance and for payment of salaries of officers and employes of the Soldiers' and Sailors' Home for the year 1901, twenty thousand dollars (\$20,000), and for the year 1902, twenty thousand dollars (\$20,000).

Maintenance.**Improvements
and repairs.**

Sec. 2. For building improvements and repairs of the home, there is hereby appropriated the sum of ten thousand dollars (\$10,000). Nothing in this act shall be construed to authorize any expenditures or the contracting of any indebtedness in excess of the amount of the appropriation herein provided for.

Emergency.

Sec. 3. In the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 16, 1901.

CHAPTER 26.

APPROPRIATION.

STATE AGRICULTURAL COLLEGE.

(H. B. No. 269, by Mr. Weldon.)

AN ACT

TO APPROPRIATE THE SUM OF EIGHT THOUSAND (8,000) DOLLARS FOR THE USE OF THE STATE AGRICULTURAL COLLEGE, TO BE EXPENDED FOR STUDENT LABOR ON THE COLLEGE FARM, AND FOR THE CONSTRUCTION OF A BARN AND STOCK YARDS ON SAID FARM.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That the sum of eight thousand (8000) dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the use of the state agricultural college, located at Fort Collins, to be expended for the following purposes, in connection with said institution; The sum of two thousand (2000) dollars to be expended for student labor on the college farm, during the years 1901 and 1902; and the sum of six thousand (6000) dollars to be expended for the purpose of constructing a barn and stock yards on said farm and equipping the same for instruction and experimental purposes.

Sec. 2. The funds appropriated by section one of this act, shall be under the control of the state board of agriculture, and shall be used exclusively for the purposes therein stated.

Sec. 3. It shall be the duty of the state board of agriculture, on the passage of this act, and when the said appropriation is available, to decide upon the plans

Plans and
specifications.

and specifications for the above named building and improvement, and as soon as practicable proceed to erect the same.

Auditor draw
warrants.

Sec. 4. The auditor of state is hereby authorized to draw warrants on the funds created by section one of this act, upon presentation of certificates of indebtedness, issued by the state board of agriculture, signed by the president of said board and countersigned by its Secretary.

Emergency.

Sec. 5. In the opinion of the general assembly, an emergency exists; therefore, this act shall take effect from and after its approval [.]

Approved April 16, 1901.

CHAPTER 27.

APPROPRIATION.

STATE NORMAL SCHOOL.

(H. B. No. 46, by Mr. Madden.)

AN ACT

TO FURTHER PROVIDE FOR THE MAINTENANCE, GROWTH, AND DEVELOPMENT OF THE STATE NORMAL SCHOOL AT GREELEY AND MAKING APPROPRIATION THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado:

Appropriation.

Section 1. There is hereby appropriated, from the general fund, out of any moneys not otherwise appropriated, for the purpose of replacing the heating plant, at the State Normal School at Greeley, for improving the ventilation and lighting facilities of said school and for erecting and furnishing the west wing of said school, the sum of Twenty-five Thousand Dollars (\$25.000).

Building and
furnishing.

Sec. 2. There is hereby appropriated for the use of the State Normal School at Greeley, not to exceed the sum of Twenty-five Thousand Dollars (\$25,000), or so much thereof as may be necessary with the one-fifth of a mill levy provided for by law for said institution to make the total appropriation for the same, One Hundred and Twenty-five Thousand Dollars (\$125,000) for the years 1901 and 1902; and the amount herein appropriated out of said Twenty-five Thousand Dollars (\$25,000) provided for in Section 1 of this act, is not to exceed a sum necessary to make the entire appropriation for said institution for the two years, including the amount derived from said one-fifth mill levy, not to exceed the sum of One Hundred and Twenty-five Thousand Dollars (\$125,000). Nothing in this act shall be construed to authorize any expenditure or the contracting of any indebtedness in excess of the amount of the appropriation herein provided for.

Sec. 3. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in full force from and after its passage.

Approved April 8, 1901.

CHAPTER 28.

APPROPRIATION.
STATE REFORMATORY.

(S. B. No. 229, by Senator Ehrhart.)

AN ACT**CONCERNING THE STATE REFORMATORY AND MAKING APPROPRIATIONS THEREFOR.***Be it Enacted by the General Assembly of the State of Colorado:***Appropriation.**
Support and
maintenance.

Section 1. That for the general support and maintenance of the state reformatory, including the salaries of officers and employes of the state institution, there is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of seventy-five thousand dollars (\$75,000) (of which amount not to exceed thirty-seven [thousand] five hundred dollars (\$37,500) together with the earnings and proceeds of said institution shall be used for the year 1901), for the two years commencing December 1, 1901, and ending November 30, 1902.

Earnings.**Use.****Auditor draw**
warrants.

Sec. 2. Said appropriation shall be used exclusively for the purpose aforesaid, and the auditor is hereby authorized to draw warrants for the payment of the same, upon vouchers certified by the president of the board of penitentiary commissioners, and attested by the secretary. Nothing in this act shall be construed to authorize any expenditures or the contracting of any indebtedness in excess of the amount of the appropriation herein provided for.

Emergency.

Sec. 3. In the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 8, 1901.

CHAPTER 29.

APPROPRIATION.

STATE REFORMATORY.

(S. B. No. 200, by Senator Ehrhart.)

A N A C T

APPROPRIATING OUT OF ANY MONEYS IN THE STATE TREASURY, NOT OTHERWISE APPROPRIATED, AND FROM ANY FUND AVAILABLE FOR SUCH A PURPOSE, FOR THE ERECTION OF THE SECOND HALF OF THE WEST WING OF THE CELL HOUSE, ACCORDING TO THE ORIGINAL PLANS, AND FOR THE ERECTION OF A STEAM HEATING PLANT AT THE STATE REFORMATORY AT BUENA VISTA.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That for the purpose of erecting the second half of the west wing of the cell house of the state reformatory at Buena Vista, according to the original plans, there is hereby appropriated out of any money in the state treasury and from any funds available for such purpose, not otherwise appropriated, the sum of seven thousand dollars (\$7,000). And for the erection of a steam heating plant in said institution, the sum of three thousand dollars (\$3,000). Nothing in this act shall be construed to authorize any expenditures or the contracting of any indebtedness in excess of the amount of the appropriation herein provided for.

Appropriation.

Cell house.

Heating plant.

Sec. 2. In the opinion of the general assembly an emergency exists; therefore, this act shall be in force and take effect from and after its passage.

Emergency.

Approved April 8, 1901.

CHAPTER 30.

APPROPRIATION.THOMAS J. TARSNEY.

(H. B. No. 247, by Mr. Sprague.)

AN ACT

FOR THE RELIEF OF THOMAS J. TARSNEY.

Be it Enacted by the General Assembly of the State of Colorado:

Appropriation.

Section 1. There is hereby appropriated out of any moneys in the military poll fund, of the revenues of any fiscal year, not otherwise appropriated, the sum of five thousand (\$5,000.00) dollars for the relief of Thomas J. Tarsney, on account of injuries received while in the service of the State of Colorado while adjutant general of the State of Colorado in command of the military forces called into service at the time of the Cripple Creek strike.

Auditor draw warrants.

Sec. 2. The auditor of state is hereby authorized and directed to draw warrants in payment of the appropriation made by this act for the sum of five thousand (\$5,000.00) dollars upon the moneys in the state treasury of the revenues of the fiscal years 1899 or 1900, or any other fiscal year or years, nototherwise [not otherwise] appropriated.

Emergency.

Sec. 3. Whereas, in the opinion of the General Assembly an emergency exists; therefor [therefore], this act shall take effect and be in force from and after its passage.

Approved April 3, 1901.

CHAPTER 31.

APPROPRIATION.

RELIEF OF CHARLES S. THOMAS ET AL.

(H. B. No. 266, by Mr. Taylor.)

AN ACT

FOR THE RELIEF OF CHARLES S. THOMAS, JAMES McWILLIAMS,
C. W. SANBORN, W. C. EDWARDS, THOMAS RANEY,
CHARLES L. DICKERSON, J. M. JACKSON AND SAN MIGUEL
COUNTY, COLORADO.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. There is hereby appropriated out of any ^{Appropriation.} funds in the state treasury not otherwise appropriated, the sum of five thousand dollars (\$5000), to be paid on account for moneys expended and services rendered as matters of the Colorado Paris Exposition Commission to Chas. S. Thomas, \$500; James McWilliams, \$500; C. W. Sanborn, \$500; W. C. Edwards, \$750; Thomas Raney, \$500; Chas. L. Dickerson \$500; J. M. Jackson, as stenographer to said body, \$250; and to San Miguel County for moneys advanced, \$1500. And the State Auditor is ^{Auditor draw} hereby authorized and directed to draw warrants on the ^{warrants.} state treasurer in accordance with this provision.

Sec. 2. In as much as these claims should be liqui- ^{Emergency.} dated; therefore, an emergency exists, and this act shall take effect and be in force from and after its passage.

Approved April 11, 1901.

CHAPTER 32.

APPROPRIATION.

THIRTEENTH GENERAL ASSEMBLY.

(H. B. No. 103, by Mr. Rawalt.)

AN ACT

TO PROVIDE FOR THE PAYMENT FOR A PART OF THE EXPENSES OF THE THIRTEENTH GENERAL ASSEMBLY OF THE STATE OF COLORADO, AND PAYING EXPENSES OF THE INAUGURATION.

Be it Enacted by the General Assembly of the State of Colorado:

Legislative
expenses.

Section 1. There is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of paying a part of the expenses of the Thirteenth General Assembly, the following amounts:

Per diem and
mileage.

For the per diem and mileage of members, the per diem of officers and clerks and other employes, the sum of Seventy-five Thousand Dollars; for the expenses incurred by committees and the contingent expenses ordered by either house, the sum of Twelve Thousand Dollars, and Two Hundred Dollars for inauguration expenses or so much thereof as shall be necessary.

Committees.

Inauguration.

Emergency.

Sec. 2. In the opinion of the General Assembly an emergency exists, therefore this act shall take effect and be in force from and after its passage.

Approved January 18, 1901.

CHAPTER 33.

APPROPRIATION.UNIVERSITY.

(H. B. No. 280, by Mr. Platt.)

AN ACT

TO PROVIDE MONEY FOR THE SUPPORT AND USE OF THE
UNIVERSITY OF COLORADO, AND MAKING AN APPROPRIA-
TION THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. For the support and use of the Univer-
sity of Colorado for the years 1901 and 1902, there is
hereby appropriated out of any money in the State Treas-
ury not otherwise appropriated, the sum of One Hundred
and Twenty Thousand Dollars (\$120,000,00); Provided,
That the above appropriation for the University of Colo-
rado shall not exceed the sum of One Hundred and
Twenty Thousand (\$120,000,00) Dollars, or so much there-
of as may be necessary, with the one-fifth of a mill levy
provided for by law for said institution, to make the total
appropriation for the same Two Hundred and Twenty
Thousand (\$220,000,00) Dollars for the years 1901 and
1902, and the amount herein appropriated out of said One
Hundred and Twenty Thousand (\$120,000,00) Dollars is
not to exceed a sum necessary to make the entire appro-
priation for said institution for the two years, including
the amount derived from said one-fifth mill levy, not to
exceed the sum of Two Hundred and Twenty Thousand
(\$220,000,00) Dollars. Nothing in this act shall be con-
strued to authorize any expenditures or the contracting
of any indebtedness in excess of the amount of the ap-
propriation herein provided for.

Appropriation.

In addition to
one-fifth mill
levy.

Emergency.

Sec. 2. In the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 8, 1901.

CHAPTER 34.

BLACK HAWK.

(S. B. No. 3, by Senator Newell.)

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CITY OF BLACK HAWK," APPROVED MARCH 11, 1864, TO PROVIDE FOR OBTAINING AND DISTRIBUTING A SUPPLY OF WATER FOR SAID CITY; TO FIX WATER RATES, AND TO MAKE THE SAME A LIEN UPON REAL ESTATE.

Be it Enacted by the General Assembly of the State of Colorado:

City council
provide water
system.

Establish and
regulate rates.

Section 1. The city council of said city shall have power to provide said city with pure wholesome water, to provide and construct reservoirs, pipe lines, hydrants, pumps, cisterns and all necessary appliances and means for the collection and storage of water and the distribution of the same throughout the city to the inhabitants for domestic and other uses, and for fire and sprinkling purposes, and when there shall be a surplus, to supply the same to consumers for mechanical and other purposes, and from time to time to establish and provide for the collection of water rates and rentals for the use of said water by a system uniform upon the same class of consumers, and to change such rates when necessary; and to provide for the placing of meters upon such premises and in such places as shall to the said council seem proper, and at the expense of such owner. Said council

shall from time to time give notice either personal to the owner or his agent or to the occupant, or notice by publication in case the owner or his agent is a non-resident or can not be found, of the rates and the time and place said rates and charges for meters shall be due and payable. And said council shall have the power to impose such penalties for non-payment as may be deemed proper, and to shut off the water for non-payment, but such imposing of penalties and shutting off the water shall not discharge the liability of the owner or the property for such water rents and charges, or the lien upon the real estate, or prevent the sale thereof for non-payment as hereinafter provided.

Payment.

Penalties.

Sec. 2. The owner or occupier [occupant] of any house, tenement or lot shall be liable for the payment of the water rent so fixed by said council for the water used thereon, and such rent, together with the cost of such meter and the placing thereof, if a meter shall be placed, shall be a perpetual lien until paid, and if not paid shall be collected in the same manner as city taxes on real estate, and in that case such real estate may be sold therefor in the same manner as real estate is sold for the non-payment of city taxes.

Owner liable for rents.

Lien on property.

Sale. .

Sec. 3. Before the sales of real estate in said city for delinquent taxes, which may be hereafter made, all unpaid water rents and meter charges may be entered upon the tax warrants by the marshal of said city against each parcel of property liable therefor, and said sale for delinquent taxes may include the said water rents and meter charges, and the same shall be included in all redemptions from such sales.

Included in tax sale.

Sec. 4. The city council of said city shall have power to pass such ordinances as may be necessary to carry into effect the provisions of this act.

Enforce provisions.

Sec. 5 In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Emergency.

Approved February 19, 1901.

CHAPTER 35.

BLACK HAWK.

(S. B. No. 9, by Senator Newell.) •

AN ACT

TO AMEND THE CHARTER OF THE CITY OF BLACK HAWK; TO REPEAL AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE CITY OF BLACK HAWK, APPROVED MARCH 11, 1864," APPROVED FEBRUARY 10, 1865; TO REPEAL AN ACT ENTITLED "AN ACT TO AMEND SECTION ONE (1) OF AN ACT ENTITLED AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE CITY OF BLACK HAWK, APPROVED MARCH 11, 1864;" THE SAME APPROVED FEBRUARY 10, 1865, APPROVED APRIL 2, 1887.

Be it Enacted by the General Assembly of the State of Colorado:

Schools organized under general law.

Section 1. From and after the passage of this act, the public schools of the city of Black Hawk shall be organized, governed and conducted in accordance with the provisions of the general school law of this state.

Treasurer pay over moneys.

Sec. 2. The city treasurer of said city shall pay over to the county treasurer of Gilpin county, all moneys in his possession belonging to the Black Hawk school district, for the use of the said district; Provided, That the county treasurer shall not be entitled to any fees or commissions upon funds so received from said city treasurer.

Council convey title.

Sec. 3. The city council of said city shall provide by ordinance for the conveyance to said district of the title to all property belonging to the public schools in said city.

Sec. 4. That an act entitled an act to amend an act ^{Repeal.} entitled an act to incorporate the city of Black Hawk, approved March 11, 1864, approved February 10, 1865; an act entitled an act to amend section one (1) of an act entitled an act to amend an act entitled an act to incorporate the city of Black Hawk, approved March 11, 1864; the same approved February 10, 1865, approved April 2, 1887; and all acts and parts of acts in conflict herewith be and the same are hereby repealed.

Sec. 5. In the opinion of the General Assembly an ^{Emergency.} emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved February 19, 1901.

CHAPTER 36.

BLACKLISTING.

(S. B. No. 90, by Senator Moore.)

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT TO PREVENT BLACKLISTING AND BOYCOTTING," APPROVED APRIL 21, 1897, THE SAME BEING CHAPTER 31, OF THE LAWS OF 1897 OF THE STATE OF COLORADO.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That the act, and every part thereof, entitled "An act to prevent blacklisting and boycotting", approved April 21, 1897, the same being chapter 31, of the Session Laws of 1897 of the State of Colorado, be, and the same is hereby repealed. ^{Repeal.}

Approved March 30, 1901.

CHAPTER 37.

BOUNDARIES.

(H. B. No. 122, by Mr. Burwell.)

AN ACT

TO RE-ESTABLISH AND FIX THE SOUTHERN BOUNDARY LINE OF THE STATE OF COLORADO ON THE THIRTY-SEVENTH PARALLEL OF NORTH LATITUDE, BETWEEN ASTRONOMICAL MONUMENT NO. 6, NEAR OSIER, COLORADO, AND ASTRONOMICAL MONUMENT NO. 8, NEAR ARBOLES, COLORADO, AS HERETOFORE ESTABLISHED BY EHUD N. DARLING, FOR THE GOVERNMENT OF THE UNITED STATES, AND TO MAKE THE REPORT AND RECORD OF THE SURVEY AND RE-ESTABLISHMENT OF SAID LINE, WHEN FILED AND RECORDED IN THE OFFICE OF THE SECRETARY OF STATE, EVIDENCE IN ALL COURTS OF COLORADO.

Be it Enacted by the General Assembly of the State of Colorado:

Governor appoint commissioner.

Section 1. That the governor of the state of Colorado be, and he is hereby, authorized and empowered to appoint a commissioner on behalf of the state of Colorado, whose duty it shall be, either in conjunction with a like commissioner, appointed by the authority of the territorial assembly of New Mexico, if said territory shall hereafter appoint or designate such commissioner, and any person or commissioner appointed and designated by the interior department of the United States, if said interior department shall so designate or appoint any such person or commissioner, to act in said premises, or with either one of such persons or commissioners, or acting solely for the state of Colorado in said behalf to by appropriate proceedings and surveys and astronomical observation, such as may be necessary and requi-

site to fix and determine the southern boundary line of the state of Colorado, and between said state of Colorado and the territory of New Mexico, between astronomical monument numbered 6, heretofore established on the 37th parallel of north latitude, and at a point on said parallel near Osier, Colorado, and extending thence westward along said 37th parallel of north latitude, fixed as the southern boundary line of Colorado by act of congress, and heretofore surveyed by Ehud N. Darling, for the United States, to astronomical monument numbered 8; also established by said Darling on said parallel at a point about four miles west of Arboles, Colorado, and to re-survey and re-establish said line as heretofore surveyed and established by the said Darling between said astronomical monuments.

Fix southern boundary of state.

Resurvey and re-establish.

Sec. 2. That in the event of the failure of either or both, the said territory of New Mexico to appoint and designate such commissioner on the part of the said territory, or the said interior department of the United States to designate and appoint some person or commissioner to act in said premises on the part of the said government of the United States, on or before July 15th, 1901, that then the said commissioner so appointed by the said governor of the state of Colorado is authorized and empowered to re-survey and re-establish the said southern boundary line of the said state of Colorado, as heretofore surveyed and established by the said Darling, between said astronomical monuments aforesaid, numbered 6 and numbered 8, respectively.

Failure to appoint joint commissioner.

Sec. 3. That the said commissioner, when appointed, shall have power, and he is hereby authorized, to and shall proceed after July 15, 1901, in conjunction with the other commissioners as herein provided for in conformity with this act, without delay, to re-survey and re-establish the said southern boundary line of the said state of Colorado, between said astronomical monuments numbered 6 and numbered 8, respectively, and to place an appropriate and substantial monument, where the proper place therefor is accessible, at the end of each

Powers of commissioner.

Place monu-
ment each mlls.

mile thereof from the said astronomical monument numbered 6 to the said astronomical monument numbered 8, and to mark and number each of said mile posts in manner and form heretofore followed by said Darling in marking and designating the said mile posts along the said southern boundary of Colorado in the original survey thereof.

Make report.

File.

Secretary of
State record.

Evidence.

Sec. 4. That the said commissioner or commissioners, as the case may be, upon the completion of said survey, shall make accurate and detailed report of all his acts and doings in said premises, and showing in what manner he has caused said line to be re-surveyed and re-established, and the course and bearings thereof, and which report shall be made under oath and shall be filed in the office of the secretary of state of Colorado; and the said secretary of state is hereby directed to duly record the same in the records of his office, and said report, when so filed and recorded in the office of the said secretary of state, and duly certified copies thereof issued out of the office of the said secretary of state, shall be received as conclusive evidence in all of the courts of the state of Colorado, in all causes of every kind and nature whatsoever arising therein, wherein the said southern boundary line of the said state of Colorado shall be in controversy, as to where said line was, and is, as fixed by the said act of congress, and by the said original survey thereof by the said Ehud N. Darling, until such time as the government of the United States shall fully re-survey and re-establish said line.

Appropriation.

Employ assist-
ance.

Sec. 5. That there be and is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of four thousand dollars, or so much thereof as may be necessary, to be expended in said premises by said commissioner for the purpose of carrying this act into effect. And the said commissioner is hereby authorized and empowered to employ such assistance, skilled or otherwise, as may be necessary in the marking and designation and re-establishment of the said southern boundary line as hereinbefore provided

for. And the said commissioner shall be entitled to and shall receive the sum of \$10.00 per day for his services, besides his actual expenses, during such time as he may be employed in said premises. Compensation.

Sec. 6. That in the opinion of the general assembly an emergency exists; and, therefore, this act shall take effect and be in force from and after its passage. Emergency.

Approved April 11, 1901.

CHAPTER 38.

CAPITOL.

APPROPRIATION—BUILDING AND GROUNDS.

(H. B. No. 360, by Mr. Rawalt.)

AN ACT

MAKING AN APPROPRIATION FOR THE COMPLETION AND IMPROVEMENTS OF THE STATE CAPITOL BUILDING AND GROUNDS OF THE STATE OF COLORADO AND AUTHORIZING THE ISSUANCE OF CERTIFICATES OF INDEBTEDNESS IN PAYMENT FOR LABOR AND MATERIAL USED IN THE COMPLETION AND IMPROVEMENTS THEREOF.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. There is hereby appropriated out of any moneys in the treasury, being funds created by levy or otherwise, for the completion of the State Capitol Building and improvements of the same and the grounds thereof, and from such other funds as make part of what is known and styled as the "Capitol Building Fund" and not otherwise appropriated, the sum of fifty three thousand (53,000) dollars, or so much thereof as may be necessary. It is hereby provided that out of this total sum Appropriation. Completion and improvement.

forty eight thousand four hundred (48,400) dollars are hereby appropriated, for the purpose of erecting a dome statuary: cementing floors of sub basement; frescoing walls of halls; corridors and dome rotunda; decorating walls and ceilings of Senate and House chambers above gallery floors; painting exterior of dome; cleaning and caulking of granite work and providing an additional electric unit, according to the plans and designs of the superintendent; and the balance shall be appropriated as follows:

Grounds and street.

Four thousand (4,000) dollars for the purpose of re-adjusting the grounds, pavement and lawn to conform to the present grade, changed by the Board of Public Works in 1898, before paving Colfax Avenue from the grade established in 1895; and six hundred (600) dollars for reimbursing the city of Denver for grading and curbing that portion of 14th Avenue from Broadway to Grant Avenue, and Grant Avenue from 14th to Colfax Avenue, along the frontage of the Capitol grounds, embraced in the Capitol Hill Grading and Curbing District No. 1, said work having been performed by and at the expense of the said, the city of Denver, during the year 1899.

Auditor issue certificates of indebtedness.

Sec. 2. The Auditor of State is hereby authorized and directed to issue certificates of indebtedness for all claims duly audited and certified by the Board of Capitol Managers for material furnished and labor performed in and about the erection and construction of said building, where there are no funds in the treasury, at the time of the issuance thereof, to meet the same; said certificates of indebtedness to be payable out of the Capitol Building Fund and out of the moneys appropriated for the erection and completion of said Capitol building.

Pledge faith and credit.

The faith and credit of the State of Colorado is hereby pledged for the payment of interest and principal of this indebtedness; and it is further provided that the said certificates of indebtedness shall be presented to the State Treasurer, who shall thereupon countersign and indorse the same as bearing interest at the rate of five per cent (5 per cent) per Annum, from the date of presenta-

Interest 5 per cent.

tion to the date of payment thereof; but in no event shall the certificates be in excess of the appropriations made for the construction and completion of said building.

Sec. 3. On the tenth day of each and every month, ^{Notice for pay-} if there be funds in the treasury to pay any certificates ^{ment.} of indebtedness provided for in the foregoing section, the Treasurer of State is hereby required and directed to give notice by advertisement in a newspaper published in the city of Denver, designating the certificate by number, in order of their presentation to the State Treasurer and endorsed thereon, which the funds in the treasury will pay. At the expiration of thirty days from the date of the last insertion, interest on the certificates so named as being payable shall cease.

Sec. 4. All acts and parts of acts inconsistent with Repeal. the provisions hereof are hereby repealed.

Sec. 5. In the opinion of the General Assembly an Emergency. emergency exists with regard to the matters provided for in this bill; and therefore, this act shall take effect and be in force from and after its passage.

Approved April 12, 1901.

CHAPTER 39.

CAPITOL.

APPROPRIATION—FURNITURE AND FIXTURES.

(H. B. No. 368, by Mr. Rawalt.)

. AN ACT

MAKING AN APPROPRIATION FOR THE PURPOSE OF REPLACING OLD FURNITURE AND CARPETS AND FOR NEW FURNITURE AND STEEL FIXTURES FOR VAULTS.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation. Section 1. For the purpose of replacing old furniture and carpets and for new furniture and steel fixtures for vaults, there is hereby appropriated out of the capitol building fund the sum of five thousand (\$5,000) dollars, or so much thereof as may be necessary.

Auditor issue certificates of indebtedness. Sec. 2. The auditor of state is hereby authorized and directed to issue certificates of indebtedness for all claims duly audited and certified by the board of capitol managers for materials furnished and labor performed, where there are no funds in the treasury at the time of the issuance thereof, to meet the same, said certificates of indebtedness to be payable out of the capitol building fund and out of the moneys appropriated for the furnishings of the building.

Faith of state pledged. The faith and credit of the state of Colorado is hereby pledged for the payment of interest and principal of this indebtedness, and it is further provided that the said certificates of indebtedness shall be presented to the state treasurer, who shall thereupon countersign and indorse the same as bearing interest at the rate of five per cent. (5 per cent.) per annum, from the date of presenta-

Interest 5 per cent.

tion to the date of payment thereof, but in no event shall the certificates be in excess of the appropriation made.

Sec. 3. In the opinion of the general assembly an **Emergency.** emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 12, 1901.

CHAPTER 40.

CAPITOL.

APPROPRIATION—MAINTENANCE.

(S. B. No. 133, by Senator Ammons.)

A N A C T

MAKING AN APPROPRIATION FOR THE PAYMENT OF A PART OF THE EXPENSES FOR THE MAINTENANCE AND SUPPORT OF THE CAPITOL BUILDING AND GROUNDS.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. There is hereby appropriated out of any **Appropriation.** funds in what is known as the "Capitol Building Fund," and not otherwise appropriated, the sum of thirteen thousand (13,000) dollars to pay a part of the maintenance **Part support and main-** and support of the State Capitol Building and Grounds **tenance.** of the State of Colorado, for the furnishing of fuel, light, water, telephone service, supplies for legislature and State officers, engine and boiler supplies, and other necessary expenses.

Sec. 2. In the opinion of the General Assembly an **Emergency.** emergency exists; therefore this act shall take effect and be in force from and after its passage.

Approved February 28, 1901.

CHAPTER 41.

CAPITOL.

APPROPRIATION—MAINTENANCE.

(H. B. No. 359, by Mr. Rawalt.)

AN ACT

MAKING AN APPROPRIATION FOR THE MAINTENANCE AND SUPPORT OF THE STATE CAPITOL BUILDING AND GROUNDS OF THE STATE OF COLORADO, FOR THE YEARS 1901 AND 1902.

Be it Enacted by the General Assembly of the State of Colorado:

Appropriation.
Maintenance
and support.

Building and
grounds.

Auditor issue
certificates of
indebtedness.

Section 1. For the maintenance and support of the state capitol building and grounds of the state of Colorado, for the furnishing of heat, light, water, telephone service, necessary supplies for legislature and state officers, engine, boiler and elevator supplies, repairs, office expenses, pay of secretary, clerk, watchman, engineers, firemen, elevator pilots, janitors, janitors' supplies, laborers on grounds, supplies for grounds, etc., for the years of 1901 and 1902, there is hereby appropriated out of the capitol building fund the sum of sixty-four thousand dollars (\$64,000), or so much thereof as may be necessary.

Sec. 2. The auditor of state is hereby authorized and directed to issue certificates of indebtedness for all claims duly audited and certified by the board of capitol managers, for material furnished and labor performed, where there are no funds in the treasury at the time of the issuance thereof, to meet the same, said certificates of indebtedness to be payable out of the capitol building fund and out of the moneys appropriated for the main-

tenance and support of said capitol buildings and grounds. The faith and credit of the state of Colorado is hereby pledged for the payment of interest and principal of this indebtedness, and it is further provided that the said certificates of indebtedness shall be presented to the state treasurer, who shall thereupon countersign and indorse the same as bearing interest at the rate of ~~six~~ ^{Faith and credit pledged for payment.} per cent. (6 per cent) per annum, payable semi-annually, from the date of presentation to the date of payment thereof; but in no event shall the certificates be in excess of the appropriations made for the maintenance. ^{Interest six per cent.}

Sec. 3. In the opinion of the general assembly an ^{Emergency.} emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 12, 1901.

CHAPTER 42.

CHARITIES AND CORRECTIONS.

(S. B. No. 264, by Senator Hallett.)

AN ACT

IN RELATION TO THE STATE BOARD OF CHARITIES AND CORRECTIONS.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. The State Board of Charities and Cor- ^{Inquire into}
 rections shall have the power to receive and make inquiry ^{conduct of}
 into complaints regarding the conduct and management ^{eleemosynary}
 of private eleemosynary associations, societies, and corpo- ^{institutions.}
 rations operating and existing within the state of Colo-
 rado, to require reports from and to issue licenses to said ^{License.}
 private eleemosynary institutions.

**Make investi-
gation.**

**Administer
oaths.**

Sec. 2. The State Board of Charities and Corrections, upon the official request of the Governor, or of the general assembly, or upon the sworn complaint of two or more citizens of the state, may at any time make an investigation by the whole board or by a committee thereof, of the condition and management of any private eleemosynary institution, company, society or organization, and the board or committee making such investigation shall have the power to send for persons and papers and to administer oaths and affirmations.

**Notify institu-
tion of com-
plaint.**

**Fix time for
hearing of
defense.**

Sec. 3. Upon formal complaint being lodged with the secretary of the State Board of Charities and Corrections, the secretary shall immediately notify the officers or authorities or persons in control of any private eleemosynary institution, society, association or corporation against which complaint is lodged, that such complaint has been made, transmitting a copy of the complaint, and the said State Board of Charities and Corrections, at a regular or special meeting called for the purpose, shall give said society, association or corporation due notice of the time when a hearing will be had regarding said complaint, and shall permit said society, association or corporation to submit such information and such testimony in defense as may be determined upon by them.

**Make report to
governor.**

Sec. 4. A full report of such investigation, including findings and recommendations, shall be transmitted to the governor for his consideration and such action as he may deem wise and expedient.

Issue license.

**Institution
make annual
report.**

Sec. 5. In order that the said board of charities and corrections may have knowledge of the operations of private eleemosynary societies, associations and corporations, all such institutions of a charitable nature shall obtain a license or permit, without fee, renewable annually, from the State Board of Charities and Corrections, and shall file with the State Board of Charities and Corrections, on or before the first day of October of each year, an annual report of its operations, giving the name of the society, location of principal office, names of prin-

cipal officers, and such other information as to finances, number of people cared for and assisted, as the board in its discretion may request, and, failing to file such annual report, the State Board of Charities and Corrections **Revoke license.** may revoke said license or permit.

Sec. 6. For the purpose of this act, eleemosynary **Eleemosynary** or charitable institutions are those which receive money **institutions** by solicitations or donations from the general public **defined.** for the purpose of assisting and caring for dependent, neglected, defective or delinquent children not wholly supported and maintained by parents or guardians; hospitals, orphanages, schools, homes or associations having to do in a general or special way with persons incapable in whole or in part of self support, wherein through public and private donations and contributions they receive thereby assistance and support; **Exemption.** Provided, That church aid societies and societies of a fraternal nature, giving private aid and relief, shall not be included within the meaning of this act.

Approved April 27, 1901.

CHAPTER 43.

CITY OF CENTRAL.

(S. B. No. 262, by Senator Newell.)

AN ACT

TO AMEND THE CHARTER OF THE CITY OF CENTRAL, AND TO AUTHORIZE THE REFUNDING OF THE BONDED DEBT OF SAID CITY REPRESENTED BY ITS BONDS BEARING DATE OCTOBER 1, 1891, ISSUED FOR THE INDEBTEDNESS OF SAID CITY, INCURRED IN THE PURCHASE AND CONSTRUCTION OF WATER WORKS FOR THE WATER SUPPLY OF SAID CITY, AND TO PROVIDE FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST THEREON.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That an act entitled "An act to incorporate the city of Central", approved March 11, 1864, be and the same is hereby amended as follows:

Authorities
issue coupon
bonds.

That the corporate authorities of the city of Central, in Gilpin county, Colorado, are hereby authorized to issue to any person, or persons, or any corporation, holding any of the water bonds of said city of the issue of October 1, 1891, for the purchase, construction and maintenance of water works of said city, coupon bonds, in lieu thereof, to an amount equal to the face of such bonds so held by them respectively.

Sale.

Sec. 2. The corporate authorities of said city of Central shall also have the right to sell any of such bonds to any person or corporation, but no bonds shall be sold unless for cash, and at par value, including costs and commissions of sale. The money arising from the sale of such bonds shall be forthwith used in redeeming said issue of said bonds so outstanding, and for no other purpose whatever.

Redeem other
bonds.

Sec. 3. No officer of said city shall receive any compensation whatever for the sale or the exchange of said bonds or for handling the money received therefor. No compensation.

Sec. 4. No bond shall be of less denomination than one hundred dollars, and if issued for a greater amount, then for some multiple of that sum. Said bonds to bear interest at the rate of not to exceed five per cent. per annum from the date of their delivery. Said interest shall be made payable semi-annually on the first days of June and December of each year, upon the presentation of the proper coupon for the same. The principal, and interest coupons, shall be payable at the office of the treasurer of the city of Central, all exchange or express charges to be paid by the city of Central. The principal of said bonds shall be payable at the pleasure of said city of Central, ten years after date, and payable absolutely fifteen years after their date; Provided, That the whole amount of bonds issued under this act shall not exceed the sum of thirty thousand dollars. Denomination of bonds. Interest—5 per cent. Payable semi-annually. Principal payable—when.

Sec. 5. The bonds issued as provided in sections 1 and 2 of this act shall be signed by the mayor and attested by the city clerk of said the city of Central, and shall bear the seal of said city upon each bond; and said bonds shall be numbered and registered by the city clerk in a book kept for that purpose, in the order in which they are issued. Each bond shall state upon its face the sum for which it was issued, to whom issued, and the date of the issue. Bonds signed and attested. Numbered and registered.

Sec. 6. In no case in exchanging said bonds for bonds of said issue of October, 1891, shall any bond be exchanged for less than its par value. Exchange of bonds.

Sec. 7. The corporate authorities of said city of Central are further authorized to prescribe the form of said bonds and the coupons attached thereto, and to provide for the semi-annual payment of the interest accruing on the bonds actually issued and delivered in pursuance of this act. Said interest may be paid out of the regular levy of taxes for city purposes, or revenue from Form of bond and coupon. Interest—How paid.

the sale of water; or said corporate authorities may levy a special tax upon all the taxable real and personal property in said city for that purpose. And for the ultimate redemption of said bonds they may levy a special tax upon all real and personal property in said city for that purpose; which tax for the payment of interest and for the payment of said bonds shall be paid in cash only, and shall be kept by the treasurer of said city as special funds, and the taxes collected for said interest fund and said bond fund shall be used for the purpose of paying said interest and bonds only, and for no other purpose. Said taxes when levied, shall be levied and collected in the same manner as other taxes, but said bonds may be paid in whole or in part from the unappropriated moneys received from the sale of water.

Special tax for redemption.

Paid in cash.

Sec. 8. Nothing in this act shall be construed as authorizing any increase whatever in the debt of said city of Central.

Not increase city debt.

Submit to vote. Sec. 9. Said bonds shall not be authorized or issued until the question of issuing the same shall have been submitted to a vote of such qualified electors of said city as shall, in the year next preceding such election, having paid a property tax therein, and a majority of those voting on the question, by ballot deposited in a box specially provided for that purpose, shall vote in favor of issuing such bonds. Such vote may be taken at any general election for city officers. Or a special election called for that purpose; ten days' previous notice to be given for such election.

Election notice.

Emergency.

Sec. 10. In the opinion of this General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved March 19, 1901.

CHAPTER 44.

CODE OF PROCEDURE.

(S. B. No. 62, by Senator Hill.)

AN ACT

TO AMEND SECTIONS, 328, 329 AND 334 OF AN ACT ENTITLED "AN ACT FOR AN ACT TO PROVIDE A CODE OF PROCEDURE IN CIVIL ACTIONS FOR COURTS OF RECORD IN THE STATE OF COLORADO, AND TO REPEAL ALL ACTS INCONSISTENT THEREWITH," APPROVED APRIL 7, 1887.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That section 328 of an act entitled "An act for an act to provide a code of civil procedure in civil actions for courts of record in the state of Colorado, and to repeal all acts inconsistent therewith," approved April 7, 1887, be and the same is hereby amended to read as follows:

Section 328. When the person arrested has been brought up, or appeared, the court, or judge, shall proceed to investigate the charge, and shall hear any answer which the person arrested may make to the same, and may examine witnesses for or against him, for which an adjournment may be had from time to time, if necessary; Provided, That in all cases where the alleged contempt is not committed in the immediate view or presence of the court or judge, the person arrested may, upon demand therefor, be tried by a jury.

Contempt.
Court investigate.
Examine witnesses.
Adjournment.
Trial by jury.

Sec. 2. That section 329 of said act be and the same is hereby amended so as to read as follows:

Section 329. Upon the answer and evidence taken the court or judge, in contempt cases tried by the court

Trial.

Guilt. or judge, or the jury in cases tried by the jury, shall determine whether the person proceeded against is guilty of the contempt charged, and if it be determined that

Penalty. he is guilty of the contempt, a fine may be imposed upon him, not exceeding five hundred dollars (\$500.00).

Sec. 3. That Section 334 of said act be and the same is hereby amended so as to read as follows:

Judgment final and conclusive. Section 334. The judgment and orders of the court or judge made in cases of contempt committed in the immediate view and presence of the court or judge at chambers, shall be final and conclusive. The judgment and orders of the court made upon a verdict of guilty found by a jury shall at the request of the person so adjudged guilty and sentenced to imprisonment or to pay a fine, be reviewed by the supreme court of the state, either by appeal or writ of error, unless such proceedings shall be instituted originally against such person in said supreme court. The procedure for such appeal or writ of error shall be the same as is now provided for like review in civil actions. Upon filing a bond, as required by the court, the judgment and order of the trial court shall be stayed until final disposition of such contempt proceedings by the supreme court.

Review by supreme court.

Procedure on appeal.

Stay of judgment.

Repeal. **Sec. 4.** All acts and parts of acts inconsistent herewith are hereby repealed.

Not apply to pending proceedings. **Sec. 5.** The provisions of this act shall not apply to any proceedings now pending for contempt in any court of record.

Approved April 27, 1901.

CHAPTER 45.

CONSTITUTIONAL AMENDMENT.

(S. B. No. 1, by Senator Bucklin.)

AN ACT

TO SUBMIT TO THE QUALIFIED ELECTORS OF THE STATE OF COLORADO, AMENDMENTS TO ARTICLE X OF THE CONSTITUTION OF COLORADO.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. There shall be submitted to the qualified electors of the state of Colorado at the next general election for members of the general assembly, for their approval or rejection, the following amendments to the Constitution of the state of Colorado, which, when ratified by a majority of those voting thereon, shall be valid as a part of the Constitution.

Submission of amendment.

Ratification.

Sec. 2. Section 9 of article X of the Constitution of the state of Colorado shall be amended so as to read as follows:

Sec. 9. Once in four years, but not oftener, the voters of any county in the state may, by vote at any general election, exempt or refuse to exempt from all taxation for county, city, town, school, road and other local purposes, any or all personal property and improvements on land; but neither the whole nor any part of the full cash value of any rights of way, franchises in public ways, or land, exclusive of the improvements thereon, shall be so exempted; Provided, however, That such question be submitted to the voters by virtue of a petition therefor, (therefor) signed and sworn to by not less than one hundred resident taxpayers of such county, and filed with

Vote to exempt personal property and land improvements.

Rights of way, franchises and land not exempt.

Taxpayers' petition.

the county clerk and recorder, not less than thirty nor more than ninety days before the day of election.

Sec. 3. Section 11 of article X of the Constitution of the state of Colorado shall be amended so as to read as follows:

State tax not
exceed 4 mills.

Additional levy
on rights of
way, franchises
or land.

Manner of
voting.

Ballot.

Canvass of
votes.

Sec. 11. The rate of taxation on property for state purposes shall never exceed four mills on each dollar of valuation; but the provisions of this section shall not apply to rights of way, franchises in public ways, or land, the full cash value of which may be taxed at such additional rate, not exceeding two mills on each dollar of assessed valuation, as shall be provided by law, after exempting all personal property and improvements thereon from such additional rate of taxation.

Sec. 4. Each elector voting at said election and desirous of voting for or against all the said amendments as a whole, shall prepare and deposit his ballot whereon shall be printed the words "For Australasian Tax System" and "Against Australasian Tax System," and shall indicate his choice by placing a cross opposite one or the other of said group of words. Any elector not voting as aforesaid, may express his approval or rejection of any one or more of said amendments by similarly designating any amendment so approved or rejected by number in the order in which it appears in this act. The official ballot shall be so prepared as to afford the electors the opportunity to express their choice as herein provided.

Sec. 5. The votes cast for the adoption or rejection of said amendments, or either or any of them, shall be canvassed, and the result determined in the manner provided by the laws of the state for the canvass of votes for representatives in congress.

Approved March 21, 1901.

CHAPTER 46.

CONSTITUTIONAL AMENDMENT.

(S. B. No. 2, by Senator Rush.)

AN ACT

TO SUBMIT TO THE QUALIFIED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF COLORADO, BY ADDING THERETO ARTICLE XX, ENTITLED "CITY AND COUNTY OF DENVER."

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. There shall be submitted to the qualified electors of the State of Colorado, at the next general election for members of the General Assembly, for their approval or rejection, the following amendment to the Constitution of the State of Colorado, by adding to the said Constitution a new article to be numbered and designated as "Article XX, City and County of Denver", which, when ratified by a majority of those voting thereon, shall be valid as a part of the Constitution, to-wit:

Submission of amendment.

ARTICLE XX.

CITY AND COUNTY OF DENVER.

INCORPORATION.

Section 1. The municipal corporation known as the city of Denver, and all municipal corporations and that part of the quasi-municipal corporation known as the county of Arapahoe, in the State of Colorado, included within the exterior boundaries of the said city of Denver as the same shall be bounded when this amendment takes effect, are hereby consolidated and are hereby de-

City and county of Denver.

Consolidation of city of Denver and county of Arapahoe.

Name.	clared to be a single body politic and corporate, by the name of the "City and County of Denver." By that name said corporation shall have perpetual succession, and
Hold property held by former city and county.	shall own, possess and hold all property, real and personal, theretofore owned, possessed or held by the said city of Denver and by such included municipal corporations, and also all property, real and personal, theretofore owned, possessed or held by the said county of Arapahoe, and shall assume, manage and dispose of all trusts in any way connected therewith; shall succeed to all the rights and liabilities, and shall acquire all benefits, and shall assume and pay all bonds, obligations and indebtedness of said city of Denver and of said included municipal corporations and of the county of Arapahoe; by that name may sue and defend, plead and be impleaded, in all courts and places, and in all matters and proceedings; may have and use a common seal and alter the same at pleasure; may purchase, receive, hold and enjoy, or sell and dispose of, real and personal property; may receive bequests, gifts, and donations of all kinds of property, in fee simple, or in trust for public, charitable or other purposes; and do all things and acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust; shall have the power, within or without its territorial limits, to construct, condemn and purchase, purchase, acquire, lease, add to, maintain, conduct and operate, water works, light plants, power plants, transportation systems, heating plants, and any other public utilities or works or ways local in use and extent, in whole or in part, and everything required therefor, for the use of said city and county and the inhabitants thereof, and any such systems plants or works or ways, or any contracts in relation or connection with either, that may exist and which said city and county may desire to purchase, in whole or in part, the same or any part thereof may be purchased by said city and county which may enforce such purchase by proceedings
Rights and liabilities. Acquire benefits. Assume obligations.	
Sue and be sued.	
Seal.	
Purchase and sell property.	
Receive gifts.	
Acquire and maintain public utilities.	

at law as in taking land for public use by right of eminent domain, and shall have the power to issue bonds upon the vote of the taxpaying electors, at any special or general election, in any amount necessary to carry out any of said powers or purposes, as may by the charter be provided. Issue bonds.

The general annexation and consolidation statutes of the state shall apply to the city and county of Denver to the same extent and in the same manner that they would apply to the city of Denver if it were not merged, as in this amendment provided, into the city and county of Denver. Any contiguous town, city or territory hereafter annexed to or consolidated with the city and county of Denver, under any of the laws of this state, in whatsoever county the same may be at the time, shall be detached per se from such other county and become a municipal and territorial part of the city and county of Denver, together with all property thereunto belonging. Annexation and consolidation statutes apply.

The city and county of Denver shall alone always constitute one judicial district of the state. One judicial district.

OFFICERS.

Sec. 2. The officers of the city and county of Denver shall be such as by appointment or election may be provided for by the charter; and the jurisdiction, term of office, duties and qualifications of all such officers shall be such as in the charter may be provided; but every charter shall designate the officers who shall, respectively, perform the acts and duties required of county officers to be done by the constitution or by the general law, as far as applicable. If any officer of said city and county of Denver shall receive any compensation whatever, he or she shall receive the same as a stated salary, the amount of which shall be fixed by the charter, and paid out of the treasury of the city and county of Denver in equal monthly payments. Officers.
Term, duties and qualifications fixed by charter.
Compensation.

TRANSFER OF GOVERNMENT.

Governor issue
proclamation.

Sec. 3. Immediately upon the canvass of the vote showing the adoption of this amendment, it shall be the duty of the governor of the state to issue his proclamation accordingly, and thereupon the city of Denver, and all municipal corporations and that part of the county of Arapahoe within the boundaries of said city, shall merge into the city and county of Denver, and the terms of

Terms of office
terminate.

office of all officers of the city of Denver and of all included municipalities and of the county of Arapahoe shall

Exceptions.

terminate; except, that the then mayor, auditor, engineer, council (which shall perform the duties of a board of county commissioners), police magistrate, chief of police and boards, of the city of Denver shall become, respectively, said officers of the city and county of Denver, and said engineer shall be ex officio surveyor and said chief of police shall be ex officio sheriff of the city and county of Denver; and the then clerk and ex officio recorder, treasurer, assessor and coroner of the county of Arapahoe, and the justices of the peace and constables holding office within the city of Denver, shall become, respectively, said officers of the city and county of Denver, and the district attorney shall also be ex officio attorney of the city and county of Denver. The foregoing officers

Hold office until
successors
elected and
qualified.

shall hold the said offices as above specified only until their successors are duly elected and qualified as herein provided for; except that the then district judges, county judge and district attorney shall serve their full terms, respectively, for which elected. The police and firemen

Exception.

of the city of Denver, except the chief of police as such, shall continue severally as the police and firemen of the city and county of Denver until they are severally discharged under such civil service regulations as shall be provided by the charter; and every charter shall provide that the department of fire and police and the department of public utilities and works shall be under such civil service regulations as in said charter shall be provided.

Civil service
regulation for
fire and police
departments.

FIRST CHARTER.

Sec. 4. The charter and ordinances of the city of Denver as the same shall exist when this amendment takes effect, shall, for the time being only, and as far as applicable, be the charter and ordinances of the city and county of Denver; but the people of the city and county of Denver are hereby vested with and they shall always have the exclusive power in the making, altering, revising or amending their charter, and, within ten days after the proclamation of the Governor announcing the adoption of this amendment the council of the city and county of Denver shall, by ordinance, call a special election, to be conducted as provided by law, of the qualified electors in said city and county of Denver, for the election of twenty-one taxpayers who shall have been qualified electors within the limits thereof for at least five years, who shall constitute a charter convention to frame a charter for said city and county in harmony with this amendment. Immediately upon completion, the charter so framed, with a prefatory synopsis, shall be signed by the officers and members of the convention and delivered to the clerk of said city and county who shall publish the same in full, with his official certification, in the official newspaper of said city and county, three times, and a week apart, the first publication being with the call for a special election, at which the qualified electors of said city and county shall by vote express their approval or rejection of the said charter. If the said charter shall be approved by a majority of those voting thereon, then two copies thereof (together with the vote for and against) duly certified by the said clerk, shall, within ten days after such vote is taken, be filed with the secretary of state, and shall thereupon become and be the charter of the city and county of Denver. But if the said charter be rejected, then, within thirty days thereafter, twenty-one members of a new charter convention shall be elected at a special election to be called as above in

Existing charter and ordinances.

Charter convention.

Council call special election.

Publication of charter.

Special election.
Approval.

Two copies filed.

Rejected.

New charter convention.

Successive
charter con-
ventions.

Charter so
framed as to
supersede old
charter.

Election of
members of
convention.
Term.

Ordinance fix
time and place
for convention.
Compensation.

Time for vote
on charter.

Charter provide
for repeal of
ordinances.

Expenses—
how paid.

Grant of fran-
chises sub-
mitted to vote.

Expense borne
by applicant.

said city and county, and they shall proceed as above to frame a charter, which shall in like manner and to the like end be published and submitted to a vote of said voters for their approval or rejection. If again rejected, the procedure herein designated shall be repeated (each special election for members of a new charter convention being within thirty days after each rejection) until a charter is finally approved by a majority of those voting thereon, and certified (together with the vote for and against) to the secretary of state as aforesaid, whereupon it shall become the charter of the said city and county of Denver and shall become the organic law thereof, and supersede any existing charters and amendments thereof. The members of each of said charter conventions shall be elected at large; and they shall complete their labors within sixty days after their respective election.

Every ordinance for a special election of charter convention members shall fix the time and place where the convention shall be held, and shall specify the compensation, if any, to be paid the officers and members thereof, allowing no compensation in case of non-attendance or tardy attendance, and shall fix the time when the vote shall be taken on the proposed charter, to be not less than thirty days nor more than sixty days after its delivery to the clerk. The charter shall make proper provision for continuing, amending or repealing the ordinances of the city and county of Denver.

All expenses of charter conventions shall be paid out of the treasury upon the order of the president and secretary thereof. The expenses of elections for charter conventions and of charter votes shall be paid out of the treasury upon the order of the council.

No franchise relating to any street, alley or public place of the said city and county shall be granted except upon the vote of the qualified taxpaying electors, and the question of its being granted shall be submitted to such vote upon deposit with the treasurer of the expense (to be determined by said treasurer) of such submission by the applicant for said franchise. The council shall have

power to fix the rate of taxation on property each year for city and county purposes.

Rate of taxation.

NEW CHARTERS, AMENDMENTS OF MEASURES.

Sec. 5. The citizens of the city and county of Denver shall have the exclusive power to amend their charter or to adopt a new charter, or to adopt any measure as herein provided;

Citizens change charter.

It shall be competent for qualified electors in number not less than five per cent. of the next preceding gubernatorial vote in said city and county to petition the council for any measure, or charter amendment, or for a charter convention. The council shall submit the same to a vote of the qualified electors at the next general election not held within thirty days after such petition is filed; whenever such petition is signed by qualified electors in number not less than ten per cent. of the next preceding gubernatorial vote in said city and county, with a request for a special election, the council shall submit it at a special election to be held not less than thirty nor more than sixty days from the date of filing the petition; Provided, That any question so submitted at a special election shall not again be submitted at a special election within two years thereafter. In submitting any such charter, charter amendment or measure, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others. Whenever the question of a charter convention is carried by a majority of those voting thereon, a charter convention shall be called through a special election ordinance as provided in section four (4) hereof, and the same shall be constituted and held and the proposed charter submitted to a vote of the qualified electors, approved or rejected, and all expenses paid, as in said section provided.

Citizens petition for convention or amendment.

Council submit to vote.

Petition for special election.

Resubmission of questions.

Vote on proposition.

Charter convention.

The clerk of the city and county shall publish, with his official certification, for three times, a week apart, in the official newspaper, the first publication to be with

Clerk publish measures to be submitted.

Publish approved measure.

File copies.

File copies of rejected measure.

Reference of council measures to vote of electors.

Signatures to petitions.

Automatic vote registers

No change except by petition and vote.

Not interfere with state taxes.

Charter conventions in cities of first and second class.

his call for the election, general or special, the full text of any charter, charter amendment, measure, or proposal for a charter convention, or alternative article or proposition, which is to be submitted to the voters. Within ten days following the vote the said clerk shall publish once in said newspaper the full text of any charter, charter amendment, measure, or proposal for a charter convention, or alternative article or proposition, which shall have been approved by a majority of those voting thereon, and he shall file with the secretary of state two copies thereof (with the vote for and against) officially certified by him, and the same shall go into effect from the date of such filing. He shall also certify to the secretary of state, with the vote for and against, two copies of every defeated alternative article or proposition, charter, charter amendment, measure or proposal for a charter convention. Each charter shall also provide for a reference, upon proper petition therefor, of measures passed by the council to a vote of the qualified electors, and for the initiative by the qualified electors of such ordinances as they may by petition request.

The signatures to petitions in this amendment mentioned need not all be on one paper. Nothing herein or elsewhere shall prevent the council, if it sees fit, from adopting automatic vote registers for use at elections and references.

No charter, charter amendment or measure adopted or defeated under the provisions of this amendment shall be amended, repealed or revived, except by petition and electoral vote. And no such charter, charter amendment or measure shall diminish the tax rate for state purposes fixed by act of the General Assembly, or interfere in any wise with the collection of state taxes.

CITIES OF THE FIRST AND SECOND CLASS.

Sec. 6. Cities of the first and second class in this state, are hereby empowered to propose for submission to a vote of the qualified electors, proposals for charter

conventions and to hold the same, and to amend any such charter, with the same force and in the same manner and have the same power, as near as may be, as set out in sections four (4) and five (5) hereof, with full power as to real and personal property and public utilities, works or ways, as set out in section one (1) of this amendment.

SCHOOL DISTRICTS CONSOLIDATED.

Sec. 7. The city and county of Denver shall alone always constitute one school district, to be known as District No. 1, but its conduct, affairs and business shall be in the hands of a board of education consisting of such numbers, elected in such manner as the general school laws of the state shall provide, and until the first election under said laws of a full board of education which shall be had at the first election held after the adoption of this amendment, all the directors of school district No. 1, and the respective presidents of the school boards of school districts Nos. 2, 7, 17 and 21, at the time this amendment takes effect, shall act as such board of education, and all districts or special charters now existing are hereby abolished.

Consolidation
of school dis-
tricts.

Board of edu-
cation, how
constituted,
duties.

Districts and
special charters
abolished.

The said board of education shall perform all the acts and duties required to be performed for said district by the general laws of the state. Except as inconsistent with this amendment, the general school laws of the state shall, unless the context evinces a contrary intent, be held to extend and apply to the said "District No. 1."

Governed by
general school
laws.

Upon the annexation of any contiguous municipality which shall include a school district or districts or any part of a district, said school district or districts or part shall be merged in said "District No. 1," which shall then own all the property thereof, real and personal, located within the boundaries of such annexed municipality, and shall assume and pay all the bonds, obligations and indebtedness of each of the said included school districts, and a proper proportion of those of partially included districts;

Assume control
of property,
obligations,
etc., of annexed
territory.

Each district
to pay its own
debt.

Provided, however, That the indebtedness, both principal and interest, which any school district may be under at the time when it becomes a part, by this amendment or by annexation, of said "District No. 1," shall be paid by said school district so owing the same by a special tax to be fixed and certified by the board of education to the council which shall levy the same upon the property within the boundaries of such district, respectively, as the same existed at the time such district becomes a part of said "District No. 1," and in case of partially included districts such tax shall be equitably apportioned upon the several parts thereof.

Levy by board
of education
and council.

Harmonizing
constitutional
provisions.

Sec. 8. Anything in the Constitution of this state in conflict or inconsistent with the provisions of this amendment is hereby declared to be inapplicable to the matters and things by this amendment covered and provided for.

Form of ballot.

Sec. 2. Each elector voting at said election and desirous of voting for or against said amendment, shall deposit in the ballot box his ticket whereon shall be printed the words "For Home Rule for Cities" and "Against Home Rule for Cities" and shall indicate his choice by placing a cross opposite one or the other of said groups of words.

Canvass.

Sec. 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined by the laws of the state for the canvass of votes for representatives in congress.

Approved March 18, 1901.

CHAPTER 47.

CONSTITUTIONAL AMENDMENT.

(S. B. No. 21, by Senator Barela.)

AN ACT

TO SUBMIT TO THE QUALIFIED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO SECTION ONE (1) OF ARTICLE SEVEN (VII) OF THE CONSTITUTION OF THE STATE OF COLORADO.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That there shall be submitted to the qualified electors of the State of Colorado, at the next general election for members of the General Assembly, for their approval or rejection, the following amendments to the Constitution of the State of Colorado, which, when ratified by a majority of those voting thereon, shall be valid as a part of the Constitution, namely: Section one (1) of Article seven (VII) of the Constitution of the State of Colorado shall be amended so as to read as follows:

Submission of amendments.

Section 1. Every person over the age of twenty-one years, possessing the following qualifications, shall be entitled to vote at all elections: He or she shall be a citizen of the United States, and shall have resided in the state twelve months immediately preceding the election at which he offers to vote, and in the county, city, town, ward or precinct, such time as may be prescribed by law.

Qualification of voters.

Sec. 2. Each elector voting at said election and desirous of voting for or against said amendment, shall deposit in the ballot box his ticket on which shall be printed the words "For the Amendment Concerning

Form of ballot.

Qualification of Voters, to Section One (1) of Article Seven (VII)" and "Against the Amendment Concerning Qualification of Voters, to Section one (1) of Article seven (VII)" and shall indicate his or her choice by placing a cross opposite one or the other of said groups of words.

Canvass.

Sec. 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined by the laws of the state for the canvass of votes for representatives in congress.

Approved April 27, 1901.

CHAPTER 48.

CONSTITUTIONAL AMENDMENT.

(S. B. No. 39, by Senator Moore.)

AN ACT

TO SUBMIT TO THE QUALIFIED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO ARTICLE FIVE (V) OF THE CONSTITUTION OF THE STATE OF COLORADO BY ADDING THERETO A NEW SECTION, TO BE KNOWN AS SECTION TWENTY-FIVEa (25a), DIRECTING THE GENERAL ASSEMBLY TO PROVIDE BY LAW AND PRESCRIBE SUITABLE PENALTIES FOR THE VIOLATION THEREOF, FOR A PERIOD OF EMPLOYMENT NOT TO EXCEED EIGHT (8) HOURS WITHIN ANY TWENTY-FOUR (24) HOURS (EXCEPTING IN CASES OF EMERGENCY WHERE LIFE OR PROPERTY IS IN IMMINENT DANGER), FOR PERSONS EMPLOYED IN UNDERGROUND MINES OR OTHER UNDERGROUND WORKINGS, BLAST FURNACES, SMELTERS; AND ANY ORE REDUCTION WORKS OR OTHER BRANCH OF INDUSTRY OR LABOR THAT THE GENERAL ASSEMBLY MAY CONSIDER INJURIOUS OR DANGEROUS TO HEALTH, LIFE OR LIMB.

Be it Enacted by the General Assembly of the State of Colorado:

Submission of
amendments.

Section 1. That there shall be submitted to the qualified electors of the State of Colorado, at the next general election for members of the General Assembly,

for their approval or rejection, the following amendment to the Constitution of the State of Colorado, which, when ratified by a majority of those voting thereon, shall be valid as a part of the Constitution, namely: Article five of the Constitution of the State of Colorado shall be amended by adding a new section thereto, to be known as section twenty-five a (25a), which section shall read as follows:

Sec. 25a. The General Assembly shall provide by law, and shall prescribe suitable penalties for the violation thereof, for a period of employment not to exceed eight (8) hours within any twenty-four (24) hours (except in cases of emergency where life or property is in imminent danger), for persons employed in underground mines or other underground workings, blast furnaces, smelters; and any ore reduction works or other branch of industry or labor that the General Assembly may consider injurious or dangerous to health, life or limb.

Regulate hours
for labor dan-
gerous to
health, life or
limb.

Sec. 2. Each elector voting at said election and desirous of voting for or against said amendment, shall deposit in the ballot box his ticket, whereon shall be printed the words, "For the Eight (8) Hour Amendment to Article V of the Constitution" and "Against the Eight (8) Hour Amendment to Article V of the Constitution," and shall indicate his choice by placing a cross opposite one or the other of said groups of words.

Form of ballot.

Sec. 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined by the laws of the State for the canvass of votes for representatives in congress.

Canvass.

Approved March 14, 1901.

CHAPTER 49.

CONSTITUTIONAL AMENDMENT.

(S. B. No. 317, by Senator Taylor.)

A N A C T

TO SUBMIT TO THE QUALIFIED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO SECTIONS TWENTY-ONE AND TWENTY-TWO OF ARTICLE SIX OF THE CONSTITUTION OF THE STATE OF COLORADO.

Be it Enacted by the General Assembly of the State of Colorado:

Submission of
amendments.

Section 1. There shall be submitted to the qualified electors of the State of Colorado at the next general election for members of the General Assembly, for their approval or rejection, the following amendments to the Constitution of the State of Colorado, which, when ratified by a majority of those voting thereon shall be valid as a part of the Constitution, that is to say, section twenty-one of Article six of the Constitution of the State of Colorado shall be amended to read as follows:

District attorney,
election,
term, duties,
salary.

Sec. 21. There shall be elected by the qualified electors of each judicial district, at the general election in the year nineteen hundred and four, and every four years thereafter, a district attorney for such district, whose term of office shall be four years, and whose duties and salary or compensation, either from the fees or emoluments of his office or from the general county fund, as shall be [as] provided by law.

Qualifications.

No person shall be eligible to the office of district attorney who shall not, at the time of his election, be at least twenty-five years of age and possess all the qualifications of judges of the district courts, as provided in

this article. The term of office of the district attorneys Term of office extended. serving in the several districts, at the time of the adoption of this amendment, is hereby extended (extended) to the second Tuesday of January, in the year A. D. 1905.

Sec. 2. Section twenty-two of Article six of the Constitution of the State of Colorado shall be amended to read as follows:

Sec. 22. There shall be elected at the general election in each organized county in the year nineteen hundred and four, and every four years thereafter, a county judge, who shall be judge of the county court of said county, whose term of office shall be four years, and who shall be paid such salary or compensation, either from the fees and emoluments of his office or from the general county fund, as shall be provided by law. County judge. election, duties, term, salary.

The term of office of the county judges serving at the time of the adoption of this amendment is hereby Term of office extended. extended to the second Tuesday of January in the year A. D. 1905.

Sec. 3. Each elector voting at said election and desirous of voting for or against both or either of said amendments shall deposit in the ballot box his ticket, whereon shall be printed the words "For the Amendment in Relation to District Attorneys" and "Against the Amendment in Relation to District Attorneys," and "For the Amendment in Relation to County Judges" and "Against the Amendment in Relation to County Judges," and shall indicate his choice by placing a cross opposite one or the other of said groups of words. Form of ballot.

Sec. 4. The votes cast for the adoption or rejection of said amendments shall be canvassed and the result determined by the laws of the State for the canvass of votes for representatives in congress. Canvass.

Approved March 25, 1901.

CHAPTER 50.

CONSTITUTIONAL AMENDMENT.

(S. B. 318, by Senator Taylor.)

AN ACT

TO SUBMIT TO THE QUALIFIED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO SECTIONS SIX, EIGHT AND ELEVEN OF ARTICLE FOURTEEN OF THE CONSTITUTION OF THE STATE OF COLORADO.

Be it Enacted by the General Assembly of the State of Colorado:

Submission of
amendment.

Section 1. There shall be submitted to the qualified electors of the State of Colorado at the next general election for members of the General Assembly, for their approval or rejection, the following amendments to the Constitution of the State of Colorado, which, when ratified by a majority of those voting thereon, shall be valid as a part of the Constitution, that is to say, section six, of Article fourteen of the Constitution of the State of Colorado, shall be amended to read as follows:

County com-
missioners.

Number.
Duties.

Quorum.

Election.

Sec. 6. In each county having a population of less than seventy thousand there shall be elected, for a term of four years each, three county commissioners who shall hold sessions for the transaction of county business as provided by law; any two of whom shall constitute a quorum for the transaction of business. Two of said commissioners shall be elected at the general election in the year nineteen hundred and four, and at the general election every four years thereafter; and the other one of said commissioners shall be elected at the general election in the year nineteen hundred and six, and at the general election every four years thereafter; Provided, That when the population of any county shall equal or

exceed seventy thousand, the board of county commis- Five members.
 sioners may consist of five members, any three of whom
 shall constitute a quorum for the transaction of business. Quorum.
 Three of said commissioners in said county shall be
 elected at the general election in the year nineteen hun- Election.
 dren and four, and at the general election every four
 years thereafter; and the other two of said commissioners
 in such county shall be elected at the general election in
 the year nineteen hundred and six and every four years
 thereafter; and all of such commissioners shall be elected
 for the term of four years.

The term of office of the county commissioners in Extension of
 each county that expires in January, 1904, is hereby ex- term of county
 tended to the second Tuesday in January, A. D. 1905, and commissioners.
 the term of office of the county commissioners that ex-
 pires in January, 1906, is hereby extended to the second
 Tuesday in January A. D. 1907; and in counties having
 a population of more than seventy thousand, the term
 of office of the commissioners that expire in 1904 shall be
 extended to the second Tuesday in January, 1905, and
 the term of office of the county commissioners that expire
 in 1906 is hereby extended to the second Tuesday in Jan-
 uary, 1907. This section shall govern, except as hereaf-
 ter otherwise expressly directed or permitted by consti-
 tutional enactment.

Sec. 2. Section eight of Article fourteen of the Con-
 stitution of the State of Colorado shall be amended to
 read as follows:

Sec. 8. There shall be elected in each county, at County officers.
 the same time at which members of the General Assem-
 bly are elected, commencing in the year nineteen hundred Election.
 and four, one county clerk, who shall be ex officio re-
 corder of deeds and clerk of the board of county commis-
 sioners; one sheriff; one coroner; one treasurer, who
 shall be collector of taxes; one county superintendent of
 schools; one county surveyor; one county assessor; and
 one county attorney, who may be elected, or appointed,
 as shall be provided by law; and such officers shall be Salary.
 paid such salary or compensation, either from the fees,

perquisites and emoluments of their respective offices, or from the general county fund, as may be provided by law.

Term extended. The term of office of all such officials that expire in January, 1904, is hereby extended to the second Tuesday in January, A. D. 1905.

This section shall govern, except as hereafter otherwise expressly directed, or permitted by constitutional enactment.

Sec. 3. Section eleven of Article fourteen of the Constitution of the State of Colorado shall be amended to read as follows:

**Justices of the peace.
Constables.
Election.**

Sec. 11. There shall be elected at the same time at which members of the General Assembly are elected, beginning with the year nineteen hundred and four, two justices of the peace and two constables in each precinct in each county, who shall hold their office for a term of two years; Provided, That in precincts containing fifty thousand (50,000) or more inhabitants, the number of justices and constables may be increased as provided by law. The term of offices of all justices of the peace that expires in January, 1904, is hereby extended to the second Tuesday in January 1905. This section shall govern, except as hereafter otherwise expressly directed, or permitted by constitutional enactment.

Term.

**Number in-
creased.
Terms ex-
tended.**

Form of ballot.

Sec. 4. Each elector voting at said election and desirous of voting for or against all or any of said amendments, shall deposit in the ballot box his ticket whereon shall be printed the words, "For the Amendments to sections 6, 8 and 11 of Article XIV, concerning County Officers", and "Against the Amendments to section 6. 8 and 11 of Article XIV, concerning County Officers", and shall indicate his choice by placing a cross opposite one or the other of said groups of words. Any elector not voting as aforesaid may express his approval or rejection of any one or more of said sections herein referred to, by designating any section so approved or rejected by number in the order in which it appears in this act. The official ballot shall be so prepared as to afford [afford] the elect-

ors the opportunity to express their choice as herein provided.

Sec. 5. The votes cast for the adoption or rejection Canvass. of said amendments shall be canvassed and the result determined by the laws of the state for the canvass of votes for representatives in congress.

Approved March 25, 1901.

CHAPTER 51.

CONSTITUTIONAL CONVENTION.

ELECTION OF U. S. SENATORS.

(S. B. No. 13, by Senator Parks.)

AN ACT

REQUESTING THE CONGRESS OF THE UNITED STATES TO CALL A CONVENTION FOR PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES, AND URGING AN AMENDMENT TO SECTION THREE, ARTICLE ONE OF THE CONSTITUTION OF THE UNITED STATES, WHICH AMENDMENT SHALL PROVIDE FOR THE ELECTION OF UNITED STATES SENATORS BY A DIRECT VOTE OF THE PEOPLE OF EACH STATE.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. Pursuant to Article Five of the Constitution of the United States application is hereby made Application to call convention. to the Congress of the United States, by the State of Colorado and the Legislature of said State of Colorado, to call a Convention for proposing Amendments to the Constitution of the United States.

Sec. 2. The General Assembly of the State of Colorado desires to present and urge before the Convention Election of United States senators.

to be called, as provided in Section One of this Act, an amendment to Section Three, Article One of the Constitution of the United States, which shall provide for choosing Senators of the United States by the voters of each State, in lieu of the provision of said Section Three, Article One, which requires that Senators of the United States shall be chosen in each state by the Legislature thereof.

Secretary of
state transmit
copies.

Object.

Sec. 3. The Secretary of the State of Colorado shall transmit one copy of this Act to the President of the United States, one copy to the President of the Senate of the United States, one copy to the Speaker of the House of Representatives of the United States, and one copy to the Governor of each State, to the end that appropriate action may be had and taken by the Congress of the United States whenever, and as soon as two-thirds in number, of the States of this Union shall make similar application.

Approved April 1, 1901.

CHAPTER 52.

CORPORATIONS.

FEES.

(H. B. No. 4, by Mr. Montgomery.)

AN ACT

RELATING TO CORPORATIONS, AND PRESCRIBING CERTAIN FEES TO BE PAID BY CORPORATIONS, FOREIGN AND DOMESTIC, AND TO REPEAL CERTAIN ACTS AND ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be it Enacted by the General Assembly of the State of Colorado:

Fees of domes-
tic corpora-
tions.

Section 1. Every corporation, joint stock company or association, incorporated by or under any general or special law of this state, having a capital stock divided

into shares, shall pay to the secretary of state, for the use of the state, a fee of twenty dollars, in case the capital stock which said corporation, joint stock company or association is authorized to have, does not exceed fifty thousand dollars; but, in case the capital stock thereof is in excess of fifty thousand dollars, the secretary of state shall collect the farther [further] sum of twenty cents on each and every thousand of such excess, and a like fee of twenty cents on each thousand of the amounty [amount] of each subsequent increase of stock. The said fee shall be due and payable upon the filing of the certificate of incorporation, articles of association or charter of said corporation, joint stock company or association in the office of the secretary of state; and no such corporation, joint stock company or association shall have or exercise any corporate powers or be permitted to do any business in this state, or to acquire or hold any real or personal property, or any franchises, rights or privileges of any kind whatsoever or prosecute [prosecute] or defend any suit in this state until the said fee shall have been paid; and the secretary of state shall not file any certificate of incorporation, articles of association, charter or certificate of the increase of capital stock, or certify or give any such certificate to any such corporation, joint stock company or association until said fee shall have been paid to him. But this act shall not apply to corporations not for pecuniary profit, or corporations organized for religious, educational or benevolent purposes.

Due upon filing of papers.

Not do business until fee is paid.

Secretary of state not file papers until fee is paid.

Exempt.

Sec. 2. That every corporation, joint stock company or association incorporated by or under any general or special law of this state, that shall hereafter file an amendment to its articles of incorporation, shall pay to the secretary of state a fee of five dollars for each and every such amendment; Provided, however, Where such amendment provides for any change in the corporate name, such corporation, joint stock company or association shall pay to the secretary of state a fee of twenty-five dollars. No such corporation, joint stock company

Fees for amendments.

Change of name.

Not do business until fee is paid.

Secretary of state not file certificate of amendment until fee is paid.

Exempt.

Fees for increase of capital stock.

Secretary of state bring action.

Quo warranto.

Officers and stockholders liable for debts.

Fees of foreign corporation.

or association shall have or exercise any of its corporate powers or be permitted to acquire or hold any real or personal property, rights or franchises, or to do any business or prosecute [prosecute] or defend in any suit in this state after any increase of its capital stock, until such fee shall be paid. And the secretary of state shall not accept or file any such certificate of amendment of any articles of association, charter or certificate of the increase of capital stock of any such corporation, joint stock company or association until the fees provided for in this act shall be paid. Provided, however, That nothing in this section shall apply to corporations not for pecuniary profit, or corporations organized for religious, educational or benevolent purposes.

Sec. 3. Any corporation, joint stock company or association incorporated by or under any general or special law of this state that has, since the filing of its certificate in this state, increased its capital stock without paying the fees prescribed by the law of this state at the time of such increase, or that shall hereafter increase its capital stock, shall be liable to pay the fees prescribed by this act, and in default of such payment it is hereby made the duty of the secretary of state to at once cause an action to be brought against any such corporation, joint stock company or association for the recovery of such fees, and an action in the nature of a writ of QUO WARRANTO will lie against any such corporation, joint stock company or association to test its rights to exercise its corporate franchises in this state, and every officer, director or stockholder of such corporation, joint stock company or association, shall be personally, jointly and severally liable for the debts of such corporation, joint stock company or association incurred while such fees remain unpaid.

Sec. 4. Every corporation, joint stock company or association, incorporated by or under any general or special law of any foreign state or kingdom, or any state or territory of the United States, beyond the limits of this state, having a capital stock divided into shares, shall

pay to the secretary of state, for the use of the state, a fee of thirty dollars in case the capital stock which said corporation, joint stock company or association is authorized to have, does not exceed fifty thousand dollars; but in case the capital stock thereof is in excess of fifty thousand dollars, the secretary of state shall collect the further sum of thirty cents on each and every thousand dollars of such excess, and a like fee of thirty cents on each thousand of the amount of each subsequent increase of stock. The said fee shall be due and payable upon the filing of the certificate of incorporation, articles of association or charter of said corporation, joint stock company or association in the office of the secretary of state, and no such corporation, joint stock company or association shall have or exercise any corporate powers or hold or acquire any real or personal property, franchises, rights or privileges, or be permitted to do any business or prosecute or defend in any suit in this state until the said fee shall have been paid.

Due upon filing papers.

Not do business until fee paid.

Sec. 5. Any foreign corporation, joint stock company or association, incorporated by or under any general or special law of any foreign state or kingdom, or of any state or territory of the United States, beyond the limits of this state, that has since the filing of its certificate in this state, increased its capital stock without paying the fees prescribed by the law of this state at the time of such increase, or that shall hereafter increase its capital stock, shall be liable to pay the fees prescribed by this act, and it is hereby made the duty of the secretary of state to at once cause an action to be brought against any foreign corporation, joint stock company or association for the recovery of such fees, and a certified copy of the certificate of such increase [increase] on file in any foreign state shall be sufficient evidence to sustain a judgement [judgment] for the amount of such fees, and an action in the nature of a writ of QUO WARRANTO shall lie against any foreign corporation, joint stock company or association to test its right to exercise corporate franchises in this state, while so in default in payment of such fees.

Increase of capital stock.

Fees.

Secretary of state bring action.

Evidence.

Quo warranto.

Fee for filing
copies of law of
foreign state
or country.

Sec. 6. Whenever any corporation, joint stock company or association, incorporated by or under any general or special law of any foreign state or kingdom, or of any state or territory of the United States, beyond the limits of this state, shall file with the secretary of state of this state certified copies of the general law of any foreign state or country, duly certified and authenticated by the proper authorities of such state, country or territory, as provided in General Section 261 of the General Statutes of Colorado 1883, the same being section 500 of Mill's [Mills] Annotated Statutes of Colorado, such corporation, joint stock company or association shall pay to the secretary of state for the filing thereof, a fee of five dollars.

Fee for filing
certificate des-
ignating agent.

Sec. 7. Whenever any such corporation, joint stock company or association, incorporated by or under any general or special law of any foreign state or kingdom, or of any state or territory of the United States, beyond the limits of this state, shall file with the secretary of state a certificate designating its principle [principal] place of business or agent for the service of process, it shall pay to the secretary of state for the filing thereof, a fee of five dollars.

Secretary of
state not file
papers unless
fee is paid.

Sec. 8. The secretary of state shall not file or record in his office any certificate of paid-up stock, certificate of impression of corporate seal, annual report or other paper of any corporation, joint stock company or association, nor issue any certificate to any corporation, joint stock company or association, unless the articles of incorporation of said company are already on file in his office, nor unless all fees prescribed by this act shall have been paid.

Fee for filing
impression of
seal.

Sec. 9. The secretary of state shall exact a fee of two dollars and fifty cents for filing and recording each certificate of impression of the corporate seal of any corporation, and a fee of two dollars and fifty cents for filing and recording each certificate of paid-up stock of any corporation; Provided, however, That where such certificate of paid-up stock shows that the capital stock of such cor-

Fee for filing
certificate of
paid up stock.

poration is in excess of fifty thousand dollars, that such corporation, joint stock company or association, shall pay a further fee of five cents per thousand upon each thousand dollars of capital stock in excess of fifty thousand dollars for the filing and recording of said certificate of paid-up stock.

Sec. 10. No corporation, joint stock company or association, incorporated by or under any general or special law of this state, or by or under any general or special law of any foreign state or kingdom or of any state or territory of the United States, beyond the limits of this state, shall exercise any corporate powers or acquire or hold any real or personal property, or any franchises, rights or privileges, or do any business or prosecute or defend in any suit, in this state until it shall have received from the secretary of this state a certificate setting forth that full payment has been made by such corporation, joint stock company or association, of all fees and taxes prescribed by law to be paid to the secretary of state, and every such corporation, joint stock company or association shall pay to the secretary of state for each such certificate, a fee of five dollars. Nothing in this section shall apply to corporations not for pecuniary profit, or corporations organized for religious, educational or benevolent purposes.

Not transact business.
Certificate of authority.
Fees.
Exempt.

Sec. 11. Every corporation, joint stock company or association, incorporated by or under any general or special law of this state, or by any general or special law of any foreign state or kingdom, or of any state or territory of the United States, beyond the limits of this state, shall, within sixty days next after the first day of January in each year, commencing with the year 1902, make and file an annual report in the office of the secretary of state, showing,

Annual report.
Contents.

First—The names of its officers and their several places of residence, together with the street or business address of such officer.

Officers.

Directors.	Second—The names of its directors or trustees and their several places of residence, together with the street or business address of such director or trustee.
Amount of capital stock.	Third—The amount of its capital stock as fixed and determined by its articles of incorporation and amendments thereto.
Stock paid in.	Fourth—The proportion of said capital stock actually paid in.
How paid.	Fifth—Setting forth how the same was paid, whether in cash, by the purchase of property, or otherwise.
Indebtedness.	Sixth—The amount of the indebtedness of said corporation at the date of filing said report.
Place of business.	Seventh—Setting forth whether or not it is engaged in the active operation of its business within the state of Colorado.
Financial condition.	Eighth—Such other information as will show with reasonable fullness and certainty the condition of its real and personal property, and the financial condition of such corporation, joint stock company or association at the date of filing such report.
Mining company.	And if such corporation be a mining corporation, engaged in mining or mining and milling the precious metals, in addition to the requirements above set forth, such mining corporation shall also set forth,
Amount and location of properties.	First—The amount of its properties within this state, and where the same are located.
Patent.	Second—Whether or not the same are held under letters patent of the United States, and if so, what amount thereof.
Possessory right.	Third—Whether or not the same are held by possessory right on the public domain, setting forth the amount thereof.
Amount of work and improvement.	Fourth—Also stating in general terms the amount of work done thereon and improvements made thereon since the time of filing the last annual report.
Railroad company.	And if such corporation shall be a rail road [railroad] or other corporation engaged in the transportation

of freight, passengers or other public service, in addition to the matters herein required to be set forth, said corporation shall also state,

First—The number of miles of track owned and operated by it within this state, and the estimated cash value thereof. Track owned with value.

Second—The number of miles of track leased or in any other way controlled and operated by it within this state, and the estimated cash value thereof. Track leased or controlled.

Third—The amount of rolling stock of all descriptions owned and operated by it within the limits of this state, and the estimated cash value thereof. Rolling stock owned.

Fourth—The amount of rolling stock of all descriptions leased and operated by it within the limits of this state, and the estimated cash value thereof. Rolling stock leased.

Fifth—The amount, together with the estimated cash value thereof, of all its real and personal property, outside of its trackage and rolling stock. Real and personal property.

Sixth—Its franchises, from whom held, together with its estimated cash value thereof. Franchises.

And if such corporation be a telegraph or telephone company, in addition to the matters herein required to be set forth by such corporation, it shall also set forth, Telegraph and telephone companies.

First—The number of miles of wire owned and operated by it within this state, and the estimated cash value thereof. Miles of wire owned.

Second—The number of miles of wire leased and operated by it, together with the estimated cash value thereof. Miles of wire leased.

Third—The number of offices operated by it within this state, together with the estimated cash value of the equipments of the same. Offices operated. Equipments.

Fourth—The estimated cash value of its real and personal property, outside of its owned and leased lines, offices and equipment. Real and personal property.

And if such corporation shall be engaged in the business of coal mining, in addition to the matters herein before required to be set forth, it shall state, Coal mining companies.

Mines owned.	First —The number and location of the different
Location.	[different] mines owned and operated by it within this state.
Mines leased.	Second —The number and location of the different mines leased and operated by it within this state.
Men employed.	Third —The number of men actually employed by it at the date of filing said report.
Machinery.	Fourth —The estimated cash value of the machinery, improvements and general equipments of the different mines owned, leased and operated by it.
Amount of development.	Fifth —The amount of development and improvement done by it upon all of its said property since the filing of its previous annual report.
Undeveloped acreage.	Sixth —The acreage of lands owned and leased, but which has not been developed.
Canal and ditch companies.	And if such corporation be a canal, ditch, power or other corporation engaged in supplying water for irrigation, domestic, mining or power purposes, in addition to the matters hereinbefore required to be set forth in such annual report, such canal, ditch, power or other corporation shall set forth,
Miles of canal owned.	First —The number of miles of canal and ditch owned and operated by it.
Miles of canal leased.	Second —The number of miles of canal and ditch leased and operated by it.
Miles of flume owned or leased.	Third —The number of miles of flume, pipe or other conduit owned and operated by it, or leased and operated by it.
Real and personal property.	Fourth —The amount of its real and personal property, outside of its ditches, canals, flumes or pipe lines.
Acres watered.	Fifth —The number of acres watered by it.
Report signed, verified and sealed.	Which report in each case shall be signed by the president, and be verified by the oath of the president and secretary of said company, under its corporate seal.
Fee for examining and filing reports.	Every such corporation, joint stock company or association shall pay to the secretary of state, for the state as a fee for examining and filing such reports, as follows:

All ditch or canal companies having a capital stock of fifty thousand dollars or less, one dollar. Ditch companies.

All corporations not for pecuniary profit, or corporations organized for religious, educational or benevolent purposes, one dollar. Corporations not for profit.

All corporations with a capital stock of ten thousand dollars, or less, one dollar. Capital stock of \$10,000.

All other corporations, joint stock companies or associations, five dollars. Other corporations.

And if any such corporation, joint stock company or association, shall fail, refuse or omit to file the annual report aforesaid, and to pay the fee prescribed therefor, within the time above prescribed, all the officers and directors of said corporation shall be jointly and severally and individually liable for all debts of such corporation, joint stock company or association that shall be contracted during the year next preceding the time when such report should by this section have been made and filed, and until such report shall be made and filed. Failure to pay fee.
Officers and directors liable.

Sec. 12. The fees provided for in this act are in addition to the fees and taxes provided for by law. Fees are additional.

Sec. 13. General Section 252 of the General Statutes of Colorado 1883 same being section four hundred and ninety-one (491) of Mills' Annotated Statutes of Colorado, and an act entitled "An act concerning corporations", approved April 13, 1897, and all acts or parts of acts in conflict herewith are hereby repealed. Repeal.

Sec. 14. In the opinion of the general assembly an emergency exists; therefor [therefore], this act shall take effect and be in force from and after its passage. Emergency.

Approved April 6, 1901.

CHAPTER 53.

CORPORATIONS.

FOREIGN RAILROAD COMPANIES.

(S. B. No. 153, by Senator Barela.)

AN ACT

AUTHORIZING FOREIGN RAILROAD COMPANIES, OWNING
LINES IN THIS STATE, TO EXTEND AND BUILD BRANCHES
TO THE SAME.

Be it Enacted by the General Assembly of the State of Colorado:

Foreign com-
pany may ex-
tend line of
road.

Section 1. Any railroad company organized under the laws of any foreign state or territory, which shall have filed its articles of incorporation in this state as required by law, and which, by a compliance with the laws of this state relating to foreign railroad companies, has purchased or may purchase a line of railroad constructed by another company within this state, may extend such line of railroad, and project and build branches to the same, and side tracks and switches connecting therewith, and otherwise improve the same, and for such purpose exercise the right of eminent domain to the same extent and in like manner as may be done by a domestic railroad corporation.

Right of emi-
nent domain.

File declara-
tion of inten-
tion.

Sec. 2. Any such railroad corporation, projecting an extension or branch of its line of railroad in this state, shall file in the office of the Secretary of State, and with the County Clerk of the county or counties in which such extension or branches shall be situate, a declaration subscribed by its president and attested under its corporate seal, of its intention to build such extension or branch line, the places from and to which it

is intended to construct the same, and a description of the route as near as may be; Provided, however, That nothing herein contained shall be deemed to exclude the jurisdiction of this state over the control or regulation of all railroads or parts of the same as are situate within the boundaries of the State. The Secretary of State shall collect a fee of one hundred dollars (\$100.) for the filing of each such declaration; Provided, That the filing fee for such document is not covered by some existing law of this state.

Not exclude state jurisdiction.

Secretary of state collect filing fee.

Approved April 27, 1901.

CHAPTER 54.

CORPORATIONS.

INSURANCE COMPANIES—FOREIGN LIFE AND ACCIDENT—ATTORNEY'S FEES.

(S. B. No. 150, by Senator Smith.)

AN ACT

RELATING TO FOREIGN LIFE AND ACCIDENT INSURANCE COMPANIES, PROVIDING FOR PAYMENTS OF ATTORNEY'S FEES AND IMPOSING A PENALTY IN CERTAIN CASES.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. Any foreign life or accident insurance company that contests any claim for insurance, and has judgment rendered against it, shall be taxed with all costs, including an attorney's fee for the attorney for the successful party such fees to be fixed by the court before whom the case was tried.

Contest of claim.

Costs. Attorney's fee.

Sec. 2. Where the verdict or finding in any such case shall be for the plaintiff, and the verdict of the jury,

Frivolous defense.

Penalty.

or the finding by the court, if tried without a jury, shall state that said defence [defense] of said company was frivolous or instituted for the purpose of delay, then a penalty not exceeding twenty-five per centum of the amount recovered, shall be added to said judgment.

Approved April 23, 1901.

CHAPTER 55.

CORPORATIONS.

SEMI-MONTHLY PAY DAY.

(S. B. No. 27, by Senator Stewart.)

AN ACT

PROVIDING FOR THE REGULATION OF THE PAYMENT OF WAGES, OF EMPLOYES OF CORPORATIONS AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

Be it Enacted by the General Assembly of the State of Colorado:

Private corporations pay employees semi-monthly.

Money.

Railroads excepted.

Absence of employee.

Section 1. All private corporations doing business within this state, except railroad corporations, shall pay to their employees, the wages earned each and every fifteen days, in lawful money of the United States, or checks on banks convertible into cash on demand at full face value thereof, and all such wages shall be due and payable, and shall be paid by such corporations, on the fifth and twentieth day of each calendar month for all such wages earned up to and within five days of the date of such payment; Provided, however, That if at such time of payment any employee shall be absent from the regular place of labor, he shall be entitled to such payment at any time thereafter; Provided, further, That each and every railroad corporation in this state shall have at

least one regular pay day in each and every month upon which said pay day said railroad corporation shall pay to its employes all wages for services and labor performed during the preceding calendar month, in lawful money of the United States, or checks on banks convertible into cash on demand, at full face value thereof; Provided, further, That the provisions of this act shall not apply to any corporations exclusively operating ditches, canals or reservoirs.

One regular pay day.

Not apply to ditch corporations.

Sec. 2. Whenever any such corporation fails to pay any of its employes, as provided in section 1 of this act, then a penalty shall attach to such corporation, and become due to such employes, as follows: A sum equivalent to a penalty of five per cent. of the wages due and not paid as herein provided as liquidated damages, and such penalty shall attach and suit may be brought in any court of competent jurisdiction to recover same and the wages due.

Failure to pay.

Penalty.

Suit to recover.

Sec. 3. Whenever any employee is discharged from the employ of any such corporation, then all the unpaid wages of such employee shall immediately become due and payable, and if such corporation fails to pay any such discharged employee all the wages due and payable to said discharged employee, then the same penalty of five per cent. shall attach to said corporation and become due to such employee as provided in section 2 of this act.

Wages of discharged employee.

Penalty.

Sec. 4. Any employee or any assignee of any such employee may recover all such penalties that may, by violation of section 2 of this act, have accrued to him, at any time within six months succeeding such default, or delay, in the payment of such wages.

Employee recover.

Time.

Sec. 5. Any contract or agreement made between any corporation, and any parties in its employ, whose provisions shall be in violation, evasion or circumvention of this act, shall be unlawful and void, but such employee may sue to recover his wages earned, together with such five per cent. penalty, or separately to recover the penalty if the wages have been paid.

Contract null and void.

Sue to recover wages and penalty.

Contract labor.

Sec. 6. Whenever any such corporation shall contract any or all its work to any contractor, then it shall become the duty of any such corporation to provide that the employes of any such corporation or contractor shall be paid according to the provisions of this act, and such corporation shall become responsible, and liable to the employes of such contractor in the same manner as if said employes were employed by such corporation.

Corporation
liable.

Employes sue.

Sec. 7. Whenever it shall become necessary for the employes to enter or maintain a suit at law for the recovery or collection of wages due as provided by this act, then such judgment shall include a reasonable attorney fee, in favor of the successful party, to be taxed as part of the costs in the case.

Costs.

Incorporate
with special
reference to
this act.

Sec. 8. It is herein provided that all corporations hereafter organized for pecuniary profit, except railroad companies, shall be deemed to have incorporated with special reference to the provisions of this act, and the obligation to comply with such and every provision herein, shall be deemed to be the condition upon which incorporation is granted by the state.

Attorney gen-
eral bring suit
for wilful viola-
tion.

A wilful violation of any of the provisions herein, shall be sufficient ground or cause for forfeiture of such corporate rights and privileges to be enforced by suit brought in the name of the people of the state of Colorado upon relation of the attorney general of this state in any district court in Colorado.

Emergency.

Sec. 9. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 10, 1901.

CHAPTER 56.

CORPORATIONS.

TRANSMISSION LINES.

(S. B. No. 201, by Senator Buckley.)

AN ACT

GRANTING TO COMPANIES GENERATING, TRANSMITTING AND
SELLING ELECTRICAL ENERGY THE RIGHT OF EMINENT
DOMAIN.*Be it Enacted by the General Assembly of the State of Colorado:*

Section 1. Any company incorporated under the laws of this state for the purpose of generating, transmitting and selling electrical energy for telegraphing, telephoning, heat, light, power or other purposes shall have the right to construct, maintain and operate the necessary transmission lines; and where such energy is generated by water or other power, to construct, maintain and operate the necessary reservoirs, ditches, flumes, pipe lines and power stations, and shall be entitled to the right of way for such ditches, flumes, pipe and transmission lines across and along any railroad or other public highway in this state, and over the lands, privileges and easements of another person or corporation, upon such conditions and at such annual charges as may be required by the board of county commissioners of the county through which such highways may pass, not less than one-half of one per cent. of the gross earnings of any such corporations, which said part of said gross earnings shall be divided between the county and municipalities through which any such line, ditch or flume shall run, in proportion to the mileage in each

Companies for
generating and
transmitting
electricity.

Right of way.

County com-
missioners fix
charges.

Compensation. such county or municipality; and to do all things necessary in relation thereto, upon making just compensation therefor in the manner provided by law; Provided, That such ditches, flumes, pipes and transmission lines shall be so constructed along or across any railroad or other public highway as not to obstruct or hinder the travel thereon; and Provided, further, That nothing in this act shall be construed to authorize any person or company to construct any such ditches, flumes, pipe or transmission lines within the limits of any city or incorporated town without first having obtained the consent of the proper municipal authorities.

Not obstruct or hinder travel.

Consent of municipal authorities.

Contract for rights of way, etc.

Eminent domain.

Sec. 2. Such companies shall have power to contract with any person or corporation, the owner of any lands or of any franchise or easements therein for such rights of way and for repairing and preserving the same, as well as for the erection and occupation of stations and offices at suitable distances for the public occupation; and whenever such company shall fail on application therefor to secure by contract or agreement such right of way for the purposes aforesaid over the lands, privileges or easement of another person or corporation, it shall be lawful for such company to acquire such title in the manner provided by law for the exercise of the right of eminent domain.

Approved April 15, 1901.

CHAPTER 57.

COUNTY BOUNDARIES.

ADAMS COUNTY.

(H. B. No. 249, by Mr. Meredith.)

AN ACT

TO ESTABLISH THE COUNTY OF ADAMS AND THE COUNTY SEAT THEREOF; PROVIDING FOR THE APPOINTMENT OF ITS PRECINCT AND COUNTY OFFICERS, FIXING THE TERMS OF COURT THEREIN, AND PROVIDING FOR REPRESENTATIVE, SENATORIAL, CONGRESSIONAL, NORMAL AND JUDICIAL DISTRICTS.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That all that portion of Arapahoe county, County of Adams. beginning at the northwest corner of Arapahoe county Boundary. as now constituted, thence east along the north boundary line of said Arapahoe county to the northeast corner of said Arapahoe county, thence south along the east boundary line of said county to the southeast corner of said county, thence west along the south boundary line of said county to the east boundary line of range 57 west, thence north along the said east boundary line to the intersection of the east boundary line of range 57 and the south boundary line of township three in said range, thence west along the south boundary lines of townships 3 to the point of intersection of south boundary line of township 3 in range 67 west, and the east boundary line of the city of Denver as the same is constituted at the time this act takes effect, thence northerly and westerly, following the easterly and northern boundary lines of said city of Denver as then constituted, to the point of intersection of said boundary lines with the west bound-

ary line of Arapahoe county, thence north to the place of beginning, shall be set apart and is hereby established as a county to be called the County of Adams, which said county shall have the legal capacities and functions of other counties of this state.

County seat.

Sec. 2. The county seat of said County of Adams is hereby established at the town of Brighton, where it shall remain until changed according to law, and until such time all courts shall be held there and the county offices remain there.

Officers hold over.

Sec. 3. All county and precinct officers who reside in that part of the county of Arapahoe that is hereby made the county of Adams, shall hold their respective offices for the terms for which they have been elected or appointed, and they are hereby declared to be legal officers of Adams county: and the governor shall appoint such other officers as may be necessary to carry on the county government of said Adams county, who shall hold their respective offices until after the general election held in said Adams county next after this act goes into effect and until their successors shall be duly elected and qualified according to law.

Governor appoint other officers.

Term.

District court, terms.

Sec. 4. There shall be held annually in said county of Adams two terms of the district court, commencing respectively on the second Monday in February and the second Monday in September; and there shall be held annually six terms of the county court, commencing on the second Monday in the months of January, March, May, July, September and November.

County court, terms.

Pending suits and proceedings transferred.

Sec. 5. All suits and proceedings, civil and criminal, now pending in the district and county courts of Arapahoe county wherein the cause of action accrued or the offense is alleged to have been committed within the territory embraced in the new county of Adams, and all actions now pending in said courts for the recovery of real property, or of any interest therein, or for the determination of any form of such right or interest, or for injuries to or partition of real property, or for the foreclosure of a mortgage of real property where the subject of the action

is situated within the territory embraced in the said county of Adams, and all civil cases wherein the defendant, or a majority of the defendants if there be more than one, reside in said county of Adams, shall, as soon as the said county of Adams is organized, be transferred by the clerks on an order of the judges thereof to the courts of like jurisdiction in said county of Adams.

Sec. 6. All county records and all real and personal property now belonging to Arapahoe county shall remain the property of said Arapahoe county, but in lieu thereof the said county of Arapahoe shall pay to the said county of Adams such sum of money and in such manner as shall be determined by the boards of commissioners of the said county, [counties], or, upon their failure to agree, by the commissioner provided in section 9 hereof.

Division of property.

Determined by commissioners.

Failure to agree.

Sec. 7. The county treasurer of the county of Arapahoe shall, as soon as the said county of Adams is organized, pay over to the county treasurer of said county of Adams all moneys and funds in his hands credited to the different school districts included within the boundaries of the said county of Adams for the use and benefit of said school districts.

County treasurer pay over school funds.

Sec. 8. All moneys now in the treasury of the county of Arapahoe, and all moneys that may hereafter come into the treasury of said county from the taxes for the year 1901, together with all moneys arising from the redemption of lands sold for taxes for the year 1901 and previous years, and from all other sources of revenue, shall be apportioned between the counties of Arapahoe and Adams in proportion to the ratio which the taxable property of that portion of the county of Arapahoe that is now included within the boundaries of the county of Adams bears to the taxable property of said county of Arapahoe as shown by the assessment rolls for the year 1901.

Moneys apportioned in proportion to ratio of taxable property.

Sec. 9. The boards of county commissioners of the counties of Arapahoe and Adams shall have full power and authority to adjust and settle all matters of revenue necessary or proper to be done on account of the forma-

Commissioners adjust and apportion revenue.

Meeting.	<p>tion of the new county of Adams; and to apportion all moneys and revenues of said counties as herein provided; and for such purpose the commissioners of either county, upon ten (10) days' notice being given by the commissioners of one county to the commissioners of the other county, at any time after the officers of the county of Adams shall have been appointed and qualified, meet at the city of Denver, in said Arapahoe county. If the said boards of commissioners shall not be able to agree upon the adjustment and apportionment of the revenue and other funds as herein provided, then, at the request of either of the boards of county commissioners, the governor of the state is hereby authorized and required to appoint some disinterested person to adjust and settle said matter of revenue and funds. From the decisions and adjustments so made (by said commissioner appointed by the governor) an appeal may be had by either county interested, or any person aggrieved, to the district court as in other cases of appeal allowed from the board of county commissioners to the district court; and upon such appeal a change of venue may be taken as in other civil cases, upon good cause shown by either party of such proceedings. The expense of said arbitration, if any, shall be borne equally by the said counties interested.</p>
Failure to agree.	
Governor appoint referee.	
Appeal.	
Change of venue.	
Expense.	
Records transcribed.	<p>Sec. 10. The said county of Arapahoe shall, as soon as practicable and within six (6) months from the organization of said county of Adams, have transcribed all the records of said Arapahoe county that pertains to the said county of Adams into proper record books, to be provided by the said county of Arapahoe for the said county of Adams, and shall deliver the said records to the proper officers of the said county of Adams within the time herein designated. And the cost of furnishing the said records, and the manner of paying therefor, shall be determined as is provided for other matters of revenue in section nine hereof.</p>
Expense.	
County of fourth class.	<p>Sec. 11. For the purpose of establishing the fees to be collected by the county, precinct and other officers, said county of Adams shall be a county of the fourth</p>

class; and, for the purpose of establishing and fixing the salaries of the said officers, said county of Adams shall be a county of division "A" of the fourth class. Division A.

Sec. 12. The said county of Adams shall be attached to the county of Arapahoe for senatorial and representative purposes. Senatorial and representative districts.

Sec. 13. The said county of Adams is hereby attached to and made a part of the First congressional district, the Thirteenth judicial district and the Third normal institute district. Congressional, judicial and normal institute districts.

Sec. 14. That the county commissioners of Adams county shall submit to the voters of said county at the next general election held in said county after this act goes into effect, the question whether that portion of the territory included within the boundaries of said Adams county east of the east boundary line of range 57 west, shall be annexed to the adjoining counties on the north and south of said territory, and, if such question receive a majority of the votes cast thereon, then the said county commissioners shall fix and determine the limits and boundaries of the portions that shall be annexed, respectively, to the various adjoining counties. Submit question of annexation to adjoining counties.

Sec. 15. This act shall take effect and be in force on and after the 15th day of November, 1902, only in the event that the constitutional amendment providing for Article XX being added to the Constitution, submitted and proposed by the Thirteenth General Assembly, shall be adopted by the people at the general election to be held in November, 1902, but not otherwise. Fix limits of annexed territory.

Approved April 15, 1901. Takes effect.

CHAPTER 58.

COUNTY BOUNDARIES.

SOUTH ARAPAHOE COUNTY.

(H. B. No. 281, by Mr. Caley.)

AN ACT

TO ESTABLISH THE COUNTY OF SOUTH ARAPAHOE, AND THE TEMPORARY COUNTY SEAT THEREOF; PROVIDING FOR THE APPOINTMENT OF ITS PRECINCT AND COUNTY OFFICERS, FIXING THE TERMS OF COURT THEREIN, AND ATTACHING THE SAME TO CERTAIN CONGRESSIONAL, SENATORIAL, REPRESENTATIVE, NORMAL INSTITUTE AND JUDICIAL DISTRICTS.

Be it Enacted by the General Assembly of the State of Colorado:

County of
South Arap-
ahoe.

Boundary.

Section 1. That all that part of Arapahoe County as is included within the following described boundaries shall be set apart and is hereby established as a county, to be called the county of South Arapahoe, the boundaries being as follows, to-wit: Beginning at the south-west corner of Arapahoe county; thence east to the intersection of the east boundary line of range 57 west, with the south boundary line of Arapahoe county; thence north to the intersection of the east boundary line of range 57 and south boundary line of township 3 in said range; thence west to the point of intersection of south boundary line of township 3 in range 67 west and the east boundary line of the city of Denver as now constituted; thence following the eastern, southern and western boundary lines of the city of Denver as the same are constituted at the time this act goes into effect to a point where said boundary line of the city of Denver intersects the west boundary line of the county of

Arapahoe; thence south to southwest corner of Arapahoe, or place of beginning.

Sec. 2, The county seat of said county of South County seat.
Arapahoe is hereby established, temporarily, at the town of Littleton, where it shall remain until a permanent county seat shall have been selected and established as provided by law.

Sec. 3. All the county and precinct officers who reside in that part of the county of Arapahoe which is hereby made the county of South Arapahoe shall hold their respective offices for the terms for which they have been elected or appointed, and they are hereby declared to be legal officers of said county of South Arapahoe; and the governor shall appoint such other officers as may be necessary to carry on the county government of said county of South Arapahoe, who shall hold their respective offices until the general election held in said county of South Arapahoe next after this act goes into effect and until their successors shall be duly elected and qualified according to law. Officers hold over.
Governor appoint other officers.
Term.

Sec. 4. There shall be held annually in said county of South Arapahoe two (2) terms of the district court, commencing, respectively, on the first Tuesday of March and the first Tuesday of November of each year. District court, terms.

Sec. 5. All suits and proceedings, civil and criminal, now pending in the district and county courts of the county of Arapahoe, wherein the cause of action accrued or the offense is alleged to have been committed within the territory included within the boundaries of the county of South Arapahoe, and all actions now pending in said courts for the recovery of real property, or for the determination in any form of such right or interest, or for injuries to, or partition of, real property, or for the foreclosure of a mortgage of real property, where the subject for action is situated within the territory included within the boundaries of the county of South Arapahoe; and all civil cases now pending in said courts wherein the defendant, or a majority of the defendants, if there be more than one, reside in the said Pending suits and proceedings transferred.

140 COUNTY BOUNDARIES—SOUTH ARAPAHOE. [Ch. 58.]

county of South Arapahoe, shall, as soon as the said county of South Arapahoe is organized, be transferred to the clerks, in an order of the respective judges of said courts, to the courts of like jurisdiction in said county of South Arapahoe.

County court,
terms.

Sec. 6. There shall be held annually in the county of South Arapahoe, three (3) terms of the county court, commencing, respectively, on the first Monday in the months of February, June and October.

Indebtedness
apportioned.

Sec. 7. The indebtedness of the county of Arapahoe shall be apportioned between the county of Arapahoe and the county of South Arapahoe in proportion to the ratio of taxable property included in that part of said county of Arapahoe that is included within the boundaries of the county of South Arapahoe, to the taxable property of said county of Arapahoe, as shown by the assessment rolls for the year of 1901.

Property ap-
portioned.

Sec. 8. All the property, personal and real, now belonging to the county of Arapahoe shall be appraised at its full cash value, and apportioned to the counties of Arapahoe and South Arapahoe in the proportion that the assessed valuation of Arapahoe county shall bear to the assessed valuation of the county of South Arapahoe.

County treas-
urer pay over
school funds.

Sec. 9. The county treasurer of the county of Arapahoe shall, as soon as the said county of South Arapahoe shall be organized, pay over to the county treasurer of said county of South Arapahoe all moneys and funds in his hands, credited to the different school districts included within the boundaries of said county of South Arapahoe, for the use and benefit of said school districts.

Moneys appor-
tioned.

Sec. 10. All moneys now in the treasury of the county of Arapahoe, and all moneys that may hereafter come into the treasury of said county, from taxes for the year 1901 and previous years, and from the redemption of lands sold for taxes for the year 1901 and previous years, and from all other sources of revenue, shall be apportioned between the county of Arapahoe and the

said county of South Arapahoe in proportion to the ratio which the taxable property of that portion of the county of Arapahoe that is now included within the boundaries of the county of South Arapahoe, bears to the taxable property of said county of Arapahoe, as shown by the assessment rolls for the year 1901.

Sec. 11. The board of county commissioners of the county of South Arapahoe, in connection with the board of county commissioners of the county of Arapahoe, shall have full power and authority to adjust and settle all matters of revenue proper to be adjusted on account of the formation of the new county of South Arapahoe; and also to apportion the indebtedness and the money and revenue of said county of Arapahoe, as specified in sections 7, 8, 9 and 10 of this act; and for these purposes the said commissioners of the county of South Arapahoe shall meet the commissioners of the county of Arapahoe, at Denver, Colorado, upon ten (10) days' notice being given by the commissioners of one county to the commissioners of the other county, at any time after the officers of the county of South Arapahoe shall have been appointed and qualified, and a majority of said united boards of commissioners shall be a legal quorum to adjust said revenue and indebtedness.

Commissioners
adjust reve-
nues.

Apportion in-
debtedness.

Place of meet-
ing.
Notice.

Quorum.

From the decisions and adjustments so made by the said board or boards of commissioners, any county interested, or any person aggrieved, may appeal to the district court of the judicial district in which such adjustment is being made is situated, as in other cases of appeal, allowed from the board of county commissioners to the district court. And upon such appeal a change of venue may be taken, as in other civil cases, upon good cause shown by either party to such proceedings.

Appeal.

Change of
venue.

In case there should be no quorum present at any such meeting between the commissioners of the county of South Arapahoe and the commissioners of Arapahoe County, or in case said commissioners of said county fail to agree with the commissioners of the county of

Failure to se-
cure quorum.

Failure to
agree.

South Arapahoe on the adjustment of the revenue, and the apportionment thereof and the apportionment of the indebtedness, then, at the request of either board of county commissioners, the governor of the state is hereby authorized and required to appoint some disinterested person to adjust and settle said matter of revenue and funds. From the decisions and adjustments so made by said commissioner appointed by the governor, an appeal may be had, as above provided, with reference to appeals from the decisions and adjustments made by the boards of county commissioners.

The expense of said arbitration, if any, shall be divided between the county of Arapahoe and the county of South Arapahoe, and shall be paid in equal proportion by the counties interested.

Sec. 12. The board of county commissioners of the county of South Arapahoe shall, as soon as practicable after said county shall be organized, receive bids for making transcripts of the records of said county of Arapahoe, of all property situated in the county of South Arapahoe and transcribing the same, as provided by law, into the proper record books to be provided by the said county of South Arapahoe for that purpose; and the said board of county commissioners of said county of South Arapahoe shall award such contract to the lowest responsible bidder therefor; and for the faithful performance of said contract said board of county commissioners shall require a good and sufficient bond in the sum of fifty thousand (50,000) dollars, to be approved by said board of county commissioners. The county clerk and recorder of the county of Arapahoe shall afford every reasonable opportunity for transcribing such records. The cost of transcribing said records shall be paid by the counties of Arapahoe and South Arapahoe in the proportion that the assessed valuation of Arapahoe county bears to the assessed valuation of South Arapahoe county.

Sec. 13. For the purpose of fixing fees chargeable and to be collected by county, precinct and other offi-

Governor appoint referee.

Appeal.

Expense.

Bids for transcribing records.

Award.

Bond.

Facility for transcribing.

Expense.

cers, and for the purpose of providing for and regulating County of
the compensation of county, precinct and other officers, fourth class.
the said county of South Arapahoe shall be a county of
the fourth class.

Sec. 14. The said county of South Arapahoe is Congressional,
hereby attached to and made a part of the first congressional district, the first senatorial district, the first judicial and normal
district, and shall be constituted a district with institute districts.
Arapahoe county for the election of representatives, and
shall be included in Normal District No. 3.

Sec. 15. This act shall take effect and be in force Takes effect.
on and after the 15th day of November, 1902, only in
event that the constitutional amendment providing for
Article XX being added to the Constitution, submitted
and proposed by the Thirteenth General Assembly,
shall be adopted by the people at the general election
to be held in November, 1902, but not otherwise.

Approved April 15, 1901.

CHAPTER 59.

COUNTY GOVERNMENT.

COMMISSIONERS.

(S. B. No. 166, by Senator Lewis.)

AN ACT

TO REDUCE THE NUMBER OF COUNTY COMMISSIONERS TO NOT MORE THAN THREE IN ALL COUNTIES EXCEPT THOSE OF ONE HUNDRED THOUSAND (100,000) OR MORE POPULATION, AND TO AMEND SECTIONS 530, 533, 534, AND 536 OF THE GENERAL STATUTES OF COLORADO, AND TO REPEAL SECTION 535 OF THE GENERAL STATUTES OF COLORADO AND ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That section 530 of the general statutes of the state of Colorado shall be amended so as to read as follows, to-wit;

County divided
into commis-
sioners' dis-
tricts.

“Sec. 530, Each county shall be divided by the board of commissioners holding office when this act goes into effect, or in the case of new counties, by the first board holding office after its organization, into as many compact districts as there are county commissioners in the county; such districts to be as nearly equal in population as possible. They shall be numbered consecutively and shall not be subject to alteration oftener than once in two years; Provided, That in counties, except those of 100,000 or more population, where the term of two county commissioners will expire as designated by the provisions of this act, the board of county commissioners shall, not later than the first day of August preceding the expiration of the terms of such two commissioners, re-dis-

Alteration.

trict the county to conform to the reduced number of commissioners. One commissioner shall be elected from each of such districts by the voters of the whole county. Such division of the county into districts as is herein provided shall be made within six months after this act goes into effect, and in the case of new counties, within six months after the first meeting of its board of county commissioners. If either or any of the commissioners shall, during his term of office, remove without the district in which he resided when elected, his office shall thereupon become vacant and it shall be the duty of the remaining commissioner or commissioners to certify such facts to the Governor, and thereupon the vacancy or vacancies shall be filled as provided by law; Provided, That the re-districting required by this act, except in counties of 100,000 or more population, previous to the general elections of 1901, 1902 and 1903, shall not be construed to remove any incumbent commissioner from the district in which he resided when elected."

Redistrict
county.

Commissioners
elected.

Division made
within six
months.

Vacancies.

Not remove in-
cumbent.

Sec. 2. Section 533 of the general statutes of Colorado is hereby amended so as to read as follows, to-wit;

"Sec. 533. Whenever any county having a population exceeding one hundred thousand (100,000) avails itself of the provision of section 6 of article XIV of the Constitution, and increases its board of county commissioners to five, it shall, at the first ensuing general election, elect three commissioners, one of whose term of office shall be three years, one two years and one one year. At the next general election, and every three years thereafter, it shall elect two, whose term of office shall be three years, and at the next general election, and every three years thereafter, it shall elect one, whose term of office shall be three years."

Election when
board is en-
larged.

Elect two
annually.

Term of office.

Sec. 3. Section 534 of the general statutes of the State of Colorado is hereby amended so as to read as follows, to-wit;

"Sec. 534. Any county which has a board of county commissioners consisting of five members, except a county of 100,000 or more population, shall proceed to reduce

Number of
commissioners
reduced.

Election. the membership of said board of county commissioners to three, in the following manner, to-wit: At the general election of 1901, in counties where the term of two county commissioners will expire in January, 1902, but one county commissioner shall be elected; at the general election in 1902, in counties where the term of two county commissioners will expire in January, 1903, but one commissioner shall be elected; at the general election of 1903, in counties where the term of two county commissioners will expire in January, 1904, but one commissioner shall be elected; Provided, That the provisions of this act shall not be so construed as to reduce the number of county commissioners in any county to less than three, nor to deprive any county commissioner elected before the passage of this act of his term of office. After the general election of 1903, each county shall elect one member of the board of county commissioners annually at the general election; Provided, further, That the provisions of this section shall not apply to counties of one hundred thousand (100,000) or more population."

Term of office.

Not less than three.

Not remove incumbent.

Elect one annually.

Not apply to counties of 100,000.

Repeal. Sec. 4. Section 535 of the general statutes of Colorado is hereby repealed.

Sec. 5. Section 536 of the general statutes of Colorado is hereby amended so as to read as follows, to-wit;

Choose chairman. "Sec. 536. The board of county commissioners shall choose a chairman from its own membership, who shall also be ex officio superintendent of the poor, and shall receive such compensation for his services as such superintendent as provided by the board of county commissioners of such county.

Compensation.

Repeal. Sec. 6. All acts and parts of acts in conflict herewith are hereby repealed.

Approved April 30, 1901.

CHAPTER 60.

COUNTY GOVERNMENT.

COMMISSIONERS.

(H. B. No. 239, by Mr. Rawalt.)

A N A C T

TO REQUIRE COUNTY COMMISSIONERS TO PUBLISH SUCH OF THEIR PROCEEDINGS AS RELATE TO THE PAYMENT OF BILLS, LETTING OF CONTRACTS AND REBATES OF TAXES OR ASSESSMENTS.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. It shall be the duty of the county commissioners of the several counties in this State to publish such of their proceedings as relate to the allowance of bills, letting of contracts and the granting of rebates of taxes or assessments. Such proceedings shall be given with sufficient detail as to inform the public as to the amount claimed, the amount allowed, from what fund paid and what was furnished, and in case of rebate of taxes or assessments, the amount so rebated and the reasons for the same.

Commissioners publish proceedings.

Amount of claims.

Rebate of taxes or assessments.

Sec. 2. Such publication shall be made in the official newspaper of the county.

Published in official newspaper.

Sec. 3. Such publication shall be made within twenty days after the adjournment of each meeting of the board, where said meetings are held quarterly, and at least once each month where said boards meet more frequently than once in three months; and the county clerk shall furnish a copy of such proceedings for said publication.

County clerk supply copy.

Sec. 4. Any county commissioner or clerk who shall fail or refuse to make such publication as aforesaid shall

Penalty.

be subject to a fine of not less than \$100,00 and the cost of suit.

Repeal.

Sec. 5. All acts or parts of acts in conflict herewith are hereby repealed.

Emergency.

Sec. 6. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect from and after its passage.

Approved April 12, 1901.

CHAPTER 61.

COUNTY GOVERNMENT.

FUNDING AND REFUNDING INDEBTEDNESS.

(S. B. No. 247, by Senator Copp.)

AN ACT

TO ENABLE ANY COUNTY IN THIS STATE NOW, OR HEREAFTER FORMED AND ESTABLISHED FROM THE TERRITORY OF ANOTHER COUNTY OR OTHER COUNTIES, TO FUND OR REFUND ANY OF THE LIABILITIES IMPOSED ON SUCH NEW COUNTY BY SECTION 4 OF ARTICLE XIV OF THE CONSTITUTION OF COLORADO AND THE LAW FORMING AND ESTABLISHING SUCH COUNTY.

Be it Enacted by the General Assembly of the State of Colorado:

May fund or
refund liabilities.

Section 1. That any county in this state, now or hereafter formed and established from the territory of another county, or other counties, may fund, or refund, any of the liabilities imposed on such new county by section 4 of article XIV of the Constitution of Colorado, and the law forming and establishing such county, in the same manner, and with the like force and effect, as if such liabilities were originally contracted in the form

in which they may exist, by such new county; and chapters 90 and 97 of the Session Laws of Colorado of 1899, relating to the funding or refunding of county debts, may be availed of by such county, and shall be applicable, to enable such county to fund or refund such liabilities as the character of the debt and circumstances of the case may require. Laws of 1899 applicable.

Sec. 2. That to render the amount, kind and character of such liabilities definite and certain, and fix their status under the funding and refunding laws of this state, the said county, so imposed with the payment thereof, shall, by the proper action of its board of county commissioners, entered of record in the proceedings of the board, undertake and assume the payment thereof, designate and describe the same; state their character and amount, and the form in which they exist. Assume payment. Define indebtedness.

Sec. 3. That any and all proceedings heretofore had by any county of this state, to fund or refund, any such liabilities which substantially conform to the provisions of this act, and the laws of Colorado applicable to funding or refunding, as the case may be, be, and the same are hereby ratified and confirmed, and the bonds contemplated thereby may be issued in the same manner, and with like force and effect, as if such proceedings were had after the passage of this act. Other proceedings ratified.

Sec. 4. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage. Emergency.

Approved April 27, 1901.

CHAPTER 62.

COURTS OF RECORD.

DISTRICT COURTS.

(H. B. No. 28, by Mr. Garcia.)

AN ACT

TO FIX THE TERMS OF THE DISTRICT COURT OF THE SEVERAL COUNTIES OF THE TWELFTH JUDICIAL DISTRICT, OF THE STATE OF COLORADO, AND TO REPEAL ALL ACTS, AND PARTS OF ACTS, INCONSISTENT OR IN CONFLICT WITH THE PROVISIONS OF THIS ACT.

Be it Enacted by the General Assembly of the State of Colorado:

Terms of court
in twelfth judi-
cial district.

Section 1. Terms of the District Court, shall be held in the Twelfth Judicial district of the State of Colorado, in each and every year as follows to wit: In the county of Conejos, on the first Monday in May and December. In the county of Costilla, on the first Monday in April. In the County of Rio Grande, on the third Monday in April, and the first Monday in October. In the County of Saguache, on the first Monday in June, and the fourth Monday in October. In the County of Mineral on the fourth Monday in May, and the third Monday in November.

Repeal.

Sec. 2. All acts, and parts of acts, inconsistent or in conflict herewith, are hereby repealed; Provided, however, that all actions, causes, issues, and proceedings, civil, criminal, and special, which are pending in the district court of any of the above named counties, including causes in which the place of trial has been changed to any such county and including attachments, recogni-

Pending actions
not affected.

zances and undertakings of every kind, shall be held to **Recognizances,**
 be pending at the first term of said court in and for the **bonds, etc., still**
 county wherein the same is now pending, as fixed by this **binding.**
 act and may be regularly proceeded with at such term
 and in the same manner, and with the same effects, as
 though pending at the next regular term as fixed by law
 prior in this act; and all recognizances, bonds and under-
 takings whereby any person or persons are required to
 appear or do any other act at any term of any said courts
 as heretofore fixed by law, shall be deemed to require the
 same act or appearances at the first term of the said court
 after this act shall take effect as filed herein, and pro-
 ceedings thereon at such term herein fixed shall be taken
 the same as they might have been at the term particularly
 specified therein.

Sec. 3. In the opinion of the general assembly an **Emergency.**
 emergency exists; and therefore this act shall take effect
 and be in force, from and after its passage.

Approved March 5, 1901.

CHAPTER 63.

COURTS OF RECORD.

DISTRICT COURTS.

(S. B. No. 59, by Senator W. H. Adams.)

AN ACT

TO FIX THE TERMS OF COURT IN THE SIXTH JUDICIAL DIS-
 TRICT OF THE STATE OF COLORADO, AND TO REPEAL
 ALL ACTS AND PARTS OF ACTS INCONSISTENT THERE-
 WITH.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. The terms of the district court shall be
 held in the sixth judicial district of the State of Colorado,

**Terms of court
in sixth judicial
district.**

commencing on the days following in each and every year; in the county of Archuleta on the third Monday in January and third Monday in August; in the county of La Plata on the third Monday in March, on the first Monday in September, and on the first Monday in December; in the county of Montezuma on the third Monday in April and the second in November; in the county of San Juan on the second Monday in May and the third Monday in September; in the county of Dolores on the first Monday in June and second Monday in October.

Repeal.

**Not affect June
term in Archu-
leta county.**

Sec. 2. All acts and parts of acts inconsistent with this act are hereby repealed; Provided, this act shall not in any manner affect, change or postpone the June, 1901, term of the district court within and for the county of Archuleta.

Emergency.

Sec. 3. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved February 28, 1901.

CHAPTER 64.

CRIMINAL CODE.

CAPITAL PUNISHMENT.

(H. B. No. 71, by Mr. Stubbs.)

AN ACT

FIXING THE PUNISHMENT FOR MURDER AND PRESCRIBING THE METHOD OF CARRYING THE PENALTY INTO EFFECT, AND FOR THE REPEAL OF CHAPTER THIRTY-FIVE (35) OF THE SESSION LAWS OF 1897, APPROVED MARCH 29, 1897, AND TO AMEND SEC [.] 709 OF THE GENERAL STATUTES OF THE STATE OF COLORADO 1883; BEING SECTION 1176 OF MILLS ANNOTATED STATUTES.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That chapter 35 of the acts of the Eleventh General Assembly of the state of Colorado, be, and the same is hereby repealed. Repeal.

Sec. 2. That section 709 of the General Statutes of the state of Colorado, being section 1176 of Mills' [Mills] Annotated Statutes, is hereby amended so as to read as follows:

Sec. 1176. Malice shall be implied when no considerable provocation appears, or when all circumstances of the killing show an abandoned and malignant heart. All murder which shall be perpetrated by means of poison or lying in wait, torture, or by any kind of wilful, deliberate and premeditated killing; or which is committed in the perpetration or attempt to perpetrate any arson, rape, robbery, mayhem or burglary; or perpetrated from a deliberate and premeditated design, unlawfully and maliciously, to effect the death of any hu- Malice implied.

Murder in first degree.	man being other than him who is killed; or perpetrated by any act greatly dangerous to the lives of others and indicating a depraved mind, regardless of human life shall be deemed murder of the first degree, and all other
Murder in second degree.	kinds of murder shall be deemed murder of the second degree. The jury before which any person indicted for murder shall be tried, shall, if it find such person guilty thereof, designate by its verdict whether it be murder
Jury designate degree.	of the first or second degree, and if murder of the first degree, the jury shall in its verdict fix the penalty to be
Fix penalty.	suffered by the person so convicted, either at imprisonment for life at hard labor in the penitentiary, or at
Court give sentence.	death; And the court shall thereupon give sentence accordingly. Every person convicted of murder of the second
Penalty for murder in second degree.	degree, shall suffer imprisonment in the penitentiary for a term not less than ten years, and which may extend to life. If any person indicted for murder shall
Prisoner plead guilty.	plead guilty to the indictment, the court shall thereupon impanel a jury as in other cases, to which shall be sub-
Jury designate degree.	mitted, as the sole issue in the case, the question whether the killing was murder of the first or second degree. The jury in every such case shall find the degree thereof,
Penalty for murder in first degree.	and, if murder in the first degree, shall fix the penalty at death or imprisonment for life, and the court shall thereupon give sentence accordingly; Provided, That no
Under eighteen.	person shall suffer the death penalty who, at the time of conviction, was under the age of eighteen (18) years;
Circumstantial evidence.	nor shall any person suffer the death penalty who shall have been convicted on circumstantial evidence alone.
Hanging.	Sec. 3. The manner of inflicting the punishment of death shall be by hanging the person convicted by the neck, until death, within the time in this act prescribed, unless for good cause the court or governor may prolong the time. Writs of error may be taken to the supreme
Writs of error.	court in all such cases as now or may hereafter be provided by law.
Commissioners of penitentiary provide appliances.	Sec. 4. The commissioners of the state penitentiary, at the expense of the state of Colorado, shall provide a suitable room or place enclosed from public view, within

the walls of the penitentiary, and therein erect and construct, and at all times have in preparation, all necessary scaffolding, drops and appliances requisite for carrying into execution the death penalty; and the punishment of death must, in each and every case of death sentence pronounced in this state, be inflicted by the Warden of the said state penitentiary, in the room or place, and with the appliances provided as aforesaid, by hanging such convict by the neck until he shall be dead.

Sentence inflicted by warden.

Sec. 5. Whenever a person convicted of murder, the punishment whereof is death, and such convicted person be sentenced to suffer the penalty of death, the judge passing such sentence shall appoint and designate in the warrant of conviction a week of time within which such sentence must be executed; the end of such week, so appointed, shall not be less than ninety days nor more than one hundred and twenty days from the day of passing such sentence. Said warrant shall be directed to the warden of the state penitentiary of this state, commanding said warden to execute the sentence imposed as aforesaid, upon some day within the week of time designated in said warrant, and shall be delivered to the sheriff of the county wherein such conviction is had, who shall, within three days thereafter, proceed to the said penitentiary and deliver such convicted person, together with the warrant as aforesaid, to the said warden, who shall keep such convict in solitary confinement until infliction of the death penalty; and no person shall be allowed access to said convict, except his attendants, counsel, physician, a spiritual adviser of his own selection, and members of his family, and then only in accordance with prison regulations.

Judge designate week of execution.

Warrant directed to warden.

Delivered to sheriff.

Solitary confinement.

Visitors.

Sec. 6. The particular day and hour of the execution of said sentence, within the week specified in said warrant, shall be fixed by said warden; and he shall invite to be present thereat the sheriff of the county wherein the conviction was had, the chaplain and physician of the penitentiary, two practicing surgeons, res-

Hour fixed by warden.

Witness.

idents of the state, the spiritual adviser of the convict, if any, and six reputable citizens of the state, of full age. Said warden may also appoint three deputies or guards to assist him in executing said sentence, and said warden shall permit no person or persons to be present at such execution except those provided for in this section. The time fixed by said warden for said executions shall be by him kept secret and in no manner divulged, except privately to the persons by him invited to be present as aforesaid; and such persons so invited shall not divulge such invitation to any person or persons whomsoever, nor in any manner disclose the time of such execution. All persons present at such execution shall keep whatever may transpire thereat secret and inviolable, save and except the facts certified to by them as hereinafter provided. No account of the details of any such execution, beyond the statement of the fact that such convict was on the day in question duly executed according to law at the state penitentiary, shall in any manner be published in this state.

Warden appoint deputies.

Time fixed kept secret.

Details kept secret.

Facts of execution certified.

Publication.

Sec. 7. Upon receiving notice from said warden of such execution, it shall be the duty of said sheriff to be present and witness such execution; and he shall receive and cause the certified transcript of record of said execution, hereinafter specified, to be filed within ten days after said execution, in the office of the clerk of the court in which said conviction was had; and the said clerk shall record said transcript at length in the records of the said case. In case of the disability, from illness or other sufficient cause, of said warden or said sheriff to be present at such execution, it shall be the duty of their respective deputies, acting in their place and stead, to execute said warrant, and to perform all other duties in connection therewith, and by this act imposed upon their principals.

Sheriff witness execution.

File transcript.

Disability.

Deputies serve.

Sec. 8. Said warden shall keep a book of record, to be known as record of executions, in which shall be entered at length the reports hereinafter specified. Immediately after said execution, a post-mortem examination

Warden keep book of record.

Post-mortem.

of the body of the convict shall be made by the attending physician and surgeons, and they shall enter in said book of record the nature and extent of such examination, and sign and certify to the same. Said warden shall also immediately make and enter in said book a report setting forth the time of such execution, and that the convict (naming him) was then and there executed in conformity to the sentence specified in the warrant of the court (naming such court) to him directed, and in accordance with the provisions of this act, and shall insert in said report the names of all the persons who were present and witnessed said execution; and shall procure each and every of such persons to sign said report with their full name and place of residence before leaving the place of execution; and said warden shall thereupon attach his certificate to said report, certifying to the truth and correctness thereof, and shall immediately deliver a certified transcript of said record entry to said sheriff.

Time of execution.

Witnesses.

Signatures.

Attach certificate.

Deliver copy to sheriff.

Sec. 9. Any person who shall violate or omit to comply with section six (6) of this act, shall be guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months.

Violation.

Misdemeanor.

Penalty.

Sec. 10. The warden or other person acting in his stead, who performs the duties imposed upon him by this act, shall be paid for his services out of the moneys provided for the maintenance of said state penitentiary, the sum of fifty dollars; and the said sheriff shall be paid for his services by the county where such conviction was had the sum of twenty-five dollars, together with his mileage fees as provided by law.

Compensating warden.

Sheriff.

Sec. 11. The body of the convict shall be buried in the ordinary manner in the burial ground of the penitentiary, or the court may order, on the application of any respectable surgeon or surgeons, that the body of the convict shall, after death, be delivered to such sur-

Disposition of body.

geon or surgeons for dissection, unless the same shall be claimed by any one related to the person executed, by consanguinity or affinity, or any friend desiring to give the body Christian burial.

Not affect pend-
ing trials.

Sec. 12. Nothing in this act shall be held to apply to, or in any manner affect any indictment, information, arraignment, trial, conviction, judgment or sentence, or any writ of error or appeal or other proceedings in cases of murder now pending in the district court or supreme court or court of appeals in this state; but the same shall be held and conducted and adjudged as provided by the law in force before this act shall take effect. Any murder which shall have been committed before this act takes effect shall be inquired of, prosecuted and punished in accordance with the law in force at the time such murder was committed.

Repeal.

Sec. 13. All Acts and parts of acts in conflict with this act are hereby repealed.

[This act was filed in the office of the secretary of state on May 2, 1901, without the governor's approval.]

CHAPTER 65.

CRIMINAL CODE.

INTOXICATING LIQUORS.

(S. B. No. 63, by Senator Hill.)

AN ACT

PREScribing A PENALTY FOR THE SALE OF MALT, VINOUS OR SPIRITOUS [SPIRITUOUS] LIQUORS IN COUNTIES OUTSIDE OF INCORPORATED TOWNS AND CITIES, WITHOUT HAVING A LICENSE THEREFOR, MAKING THE SAME UNLAWFUL, AND REPEALING ALL ACTS IN CONFLICT HEREWITH.

Be it Enacted by the General Assembly of the State of Colorado

Section 1. That it shall be unlawful for any person or persons, not having a legal license from the Board of County Commissioners therefor, to sell, barter, exchange or otherwise dispose of, for gain or profit, to any person or persons, within any county in this state outside of the limits of any incorporated town or city, and beyond one mile from the outer boundaries thereof, any malt, vinous or spiritous [spirituous] liquors, or to knowingly permit the same to be done on his or her premises, for his or her benefit or gain. County commissioners issue license to sell.

Sec. 2. Any person or persons violating any of the provisions of section 1 of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than ten nor more than two hundred dollars. Misdemeanor. Penalty.

Sec. 3. All acts and parts of acts in conflict with any of the provisions of this act are hereby repealed; Provided, That nothing herein shall be held to effect any Repeal.

Not affect violations prior to passage of act.

violation of any law made prior to its passage, in force before this act takes effect, but the same shall be inquired into, prosecuted and punished in accordance with the law in force at the time of the commission of such offense.

Emergency.

Sec. 4. In the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 19, 1901.

CHAPTER 66.

CRIMINAL CODE.

LARCENY OF BICYCLES.

(H. B. No. 92, by Mr. Insley.)

AN ACT

IN RELATION TO THE LARCENY OF BICYCLES, PROVIDING A PENALTY THEREFOR AND THAT ALL LARCENY OF THE SAME SHALL BE GRAND LARCENY.

Be it Enacted by the General Assembly of the State of Colorado:

Larceny to steal or receive stolen bicycle.

Section 1. Any person who shall steal, take, embezzle, carry or ride away, any bicycle, or any person who shall purchase or receive from any person or conceal or secrete, knowing the same to be stolen, taken, embezzled, carried or ridden away, any bicycle, shall be deemed guilty of larceny and on conviction thereof shall be punished by imprisonment in the penitentiary for a period not less than one year nor more than ten years. All cases which are by this act declared to be larceny shall be deemed and taken to be, and the courts of this state shall construe the same to be grand larceny, subjecting

Penalty.

Grand larceny.

the offender or offenders to imprisonment as above specified notwithstanding that the value of such bicycle may be twenty dollars or less.

Sec. 2. Whereas, in the opinion of the general assembly an emergency exists; therefore, this act shall be in force from and after its passage.

Approved April 17, 1901.

CHAPTER 67.

DAMAGES.

CO-EMPLOYEE.

(S. B. No. 87, by Senator Tanquary.)

A N A C T

TO GIVE A RIGHT OF ACTION AGAINST AN EMPLOYER FOR INJURIES OR DEATH RESULTING TO HIS AGENTS, EMPLOYEES, OR SERVANTS, EITHER FROM THE EMPLOYER'S NEGLIGENCE OR FROM THE NEGLIGENCE OF SOME OF HIS OTHER EMPLOYEES, SERVANTS OR AGENTS, AND TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That every corporation, company or individual who may employ agents, servants or employees, such agents, servants or employees being in the exercise of due care, shall be liable to respond in damages for injuries or death sustained by any such agent, employe or servant, resulting from the carelessness, omission of duty or negligence of such employer, or which may have resulted from the carelessness, omission of duty or negligence of any other agent, servant or employe of the said

Employer liable for injuries resulting from carelessness of himself or agent.

employer, in the same manner and to the same extent as if the carelessness, omission of duty or negligence causing the injury or death was that of the employer.

Repeal.

Not change
rights of in-
jured person or
his relatives.

Sec. 2. All acts, and parts of acts, in conflict herewith are hereby repealed; Provided, however, That this act shall not be construed to repeal or change the existing laws relating to the right of the person injured, or in case of death, the right of the husband or wife, or other relatives of a deceased person, to maintain an action against the employer.

Approved March 28, 1901.

CHAPTER 68.

DENVER.

(S. B. No. 305, by Senator Parks.)

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO REVISE AND AMEND THE CHARTER OF THE CITY OF DENVER," APPROVED APRIL 3, 1893, CONCERNING THE BOUNDARIES OF SAID CITY.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That section 2 of article 1 of an act entitled "An act to revise and amend the charter of the city of Denver," approved April 3, 1893, is hereby amended to read as follows:

City of Denver. Boundary. Sec. 2. Hereafter the corporate limits of the city of Denver shall be as follows: Beginning at the northwest corner of the southwest quarter of section eighteen (18), in township three (3) south, range sixty-eight (68) west; thence south on the range line between ranges sixty-eight (68) and sixty-nine (69) west, to the southwest cor-

ner of section seven (7), in township four (4) south, range sixty-eight (68) west; thence east on the south line of sections seven (7) and eight (8), in township four (4) south, range sixty-eight (68) west, to southeast corner of section eight (8) aforesaid; thence south on the west line of section sixteen (16), in said last mentioned township and range, to the southwest corner of said section sixteen (16); thence east on the south line of said section sixteen (16), to the northwest corner of the northeast quarter of section twenty-one (21), in said last mentioned township and range; thence south on the north and south center line of sections twenty-one (21) and twenty-eight (28), in the same township and range, to the southwest corner of the southeast quarter of said section twenty-eight (28); thence east on the south line of sections twenty-eight (28), twenty-seven, (27), twenty-six (26) and twenty-five (25), in the same township and range, to the southeast corner of section twenty-five (25); thence north on the east line of sections twenty-five (25), twenty-four (24) and thirteen (13), in the same township and range, to the southwest corner of section seven (7), in township four (4) south, range sixty-seven (67) west; thence east on the south line of sections seven (7), eight (8) and nine (9), in said last mentioned township, to the southeast corner of said section nine (9); thence north on the east line of sections nine (9) and four (4), in said last mentioned township, and of sections thirty-three (33), twenty-eight (28) and twenty-one (21), in township three (3) south, range sixty-seven (67) west, to the north east corner of said section twenty-one (21); thence west on the south line of sections sixteen (16), seventeen (17) and eighteen (18), in said last mentioned township, to the southwest corner of section eighteen (18) last aforesaid; thence north on the west line of said last mentioned section eighteen (18) to the northeast corner of the south half of the north east quarter of section thirteen (13), in township three (3) south, range sixty-eight (68) west; thence west on the east and west center line of the north half of section thirteen (13) aforesaid, to the easterly line of the right of way

of the Burlington and Colorado Railroad Company; thence southwesterly, with the easterly line of said right of way to the north line of the southeast quarter of section fourteen (14), in township three (3) south, range sixty-eight (68) west; thence west on the east and west center line of section fourteen (14) aforesaid, to a point which is one hundred and twenty-five (125) feet east of the west line of said section fourteen (14); thence north three hundred (300) feet; thence west one hundred and twenty-five (125) feet to the west line of said section fourteen (14); thence south three hundred (300) feet, to the northwest corner of the southwest quarter of said section fourteen (14); thence west on the east and west center line of sections fifteen (15), sixteen (16) and seventeen (17), in said last mentioned township, to the center of said section seventeen (17); thence west on the east and west center line of said section seventeen (17), thirteen hundred and twenty (1,320) feet; thence north three hundred and thirty (330) feet; thence west thirteen hundred and twenty (1,320) feet; to the west line of said section seventeen (17); thence south three hundred and thirty (330) feet to the northwest corner of the southwest quarter of said section seventeen (17); thence west on the east and west center line of section eighteen (18), to the place of beginning; the territory included within the last above described boundaries being situated in the county of Arapahoe, in the state of Colorado; excepting, however, all towns and cities incorporated and now existing or hereafter incorporated under the general laws of the state and situated within said last mentioned boundaries; Provided, That whenever any of said towns or cities, or any town or city existing under general laws of this state and contiguous to the city of Denver, shall, in pursuance of any law of the state be dissolved or become annexed to the city of Denver, then the territory included within the same shall thereby become part of the city of Denver. And if any such territory shall be so annexed more than six months prior to the next general election of the city of Denver, the city council of the city of Den-

Incorporated
cities or towns
excepted.

Territory an-
nexed become
part of city
of Denver.

ver shall immediately by ordinance create a new ward or ^{Create new} wards of the city, including said territory, and provide ^{wards.} for and call a special election in each new ward so created, ^{Call special} for the election of an alderman from such ward, in ac- ^{election.} cordance with the provisions of this act and of the general election laws of this state; and the alderman so elected from each new ward shall, upon his election and qualification, be and become a member of the board of aldermen and of the city council of the city of Denver, until the next general election for officers of said city.

Sec. 2. That section 6 of article 1 of said act is hereby amended to read as follows:

Sec. 6. The city of Denver shall be divided, or re- ^{Number of} divided by ordinance, into not less than sixteen nor more ^{wards and elec-} than twenty wards, and into election precincts for elec- ^{tion precincts.} tion purposes;

Provided, That until after the general election of ^{Sixteen wards} 1901, and for all the purposes of said election and of mem- ^{for present} bership in the board of aldermen until the general elec- ^{purposes.} tion of 1903, the territory within the city limits existing at the time of the passage of this act is hereby divided into sixteen wards, corresponding in numbers and boundaries with the wards of the city heretofore established and now existing by ordinance.

Sec. 3. Whereas, In the opinion of the general as- ^{Emergency.} sembly an emergency exists; therefore this act shall take effect and be in force from and after its passage.

Approved April 16, 1901.

CHAPTER 69.

DENVER.

(S. B. No. 11, by Senator J. F. Adams.)

AN ACT

TO AMEND SECTION SEVEN (7) OF ARTICLE I OF AN ACT ENTITLED "AN ACT TO REVISE AND AMEND THE CHARTER OF THE CITY OF DENVER," APPROVED APRIL 3, 1893.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That Section seven (7), of Article I, of an act entitled "An act to revise and amend the charter of the city of Denver", approved April 3, 1893, be and the same is hereby so amended as to read as follows:

Acquire, hold,
sell or convey
real and per-
sonal property.

"Sec. 7. Said city, by the name and style aforesaid, is hereby authorized to acquire and hold all real and personal property necessary for the public uses of the inhabitants thereof, both within and beyond the limits of the city, and when the same is no longer required for public use, to sell and convey the same as may be provided by ordinance.

Council make
rules concern-
ing property.

Except as herein otherwise provided, the city council shall by ordinance make all needful rules and regulations for the use and disposition of said property. The said city may receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for public, charitable or other purposes, whether now made or hereafter to be made; and do all things and acts necessary to carry out the purposes of such gifts, bequests and donations, with power only to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust."

Receive and
manage gifts.

Sec. 2. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved March 21, 1901.

CHAPTER 70.

DENVER.

(S. B. No. 208, by Senator Rush.)

AN ACT

RELATING TO THE CITY AND COUNTY OF DENVER; DEFINING CERTAIN TERMS; PROVIDING A SAVING CLAUSE IN SUITS PROSPECTIVE OR PENDING; MAKING CERTAIN PROVISIONS RELATIVE TO THE TRANSFER OF GOVERNMENT TO THE SAME; AND PROVIDING FOR THE PRINTING OF CHARTERS, CHARTER AMENDMENTS AND MEASURES IN THE SESSION LAWS.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. No action or proceeding to which any municipality merged into the city and county of Denver is a party or in which it is in any wise interested shall abate by reason of such merger, but the same shall survive and be prosecuted to a conclusion under its title as borne by it at the time of such merger; and any judgment or decree entered therein shall be enforceable by or against the city and county of Denver to the full extent of the interest or liability of the said municipality so merged, the same as if said city and county of Denver were expressly made a party thereto. No right or cause of action by or against any such municipality so merged shall be lost or extinguished by reason of such merger,

No pending action abate because Denver merged into city and county of Denver.

Liability.

No cause of action lost because of merger.

and the same shall be thereafter enforced and prosecuted by or against the city and county of Denver.

Laws appli-
cable.

Sec. 2. All laws heretofore or hereafter enacted in which the words "Denver" or "city of Denver", or equivalent words, occur, or the words "Arapahoe county" or "county of Arapahoe", or equivalent words, occur, and there is nothing in the context or in the constitutional amendment creating the city and county of Denver to make them inapplicable, the same shall be held to apply to the city and county of Denver.

Officers deliver
property.

Sec. 3. Immediately upon the proclamation of the governor being made announcing the adoption of the constitutional amendment creating the city and county of Denver, all persons and their assistants, deputies and employes, who, under the operation of said constitutional amendment, are outgoing officers, whether of the city of Denver, or of any other included municipality, or of the county of Arapahoe, shall deliver to the proper officers of the city and county of Denver all moneys, books, records, papers, documents and keys, and all property of every kind and nature belonging to the respective offices, or that shall have come into their official possession.

Secretary of
state preserve
office records
concerning
amendment.

Publish with
session laws.

Open to in-
spection.

Take effect.

Sec. 4. It shall be the duty of the secretary of state to carefully preserve all certified charters and charter amendments and measures, and the record of votes thereon, that shall come to his office under the operation of the constitutional amendment creating the city and county of Denver. He shall publish them in the then next ensuing volume of the Session Laws of the state. The originals during office hours shall always be open to the inspection of the public.

Sec. 5. This act shall only be in force and effect from and after the adoption of the constitutional amendment creating the city and county of Denver.

Approved April 30, 1901.

CHAPTER 71.

ELECTIONS.

(S. B. No. 17, by Senator Rush.)

AN ACT

RELATING TO POLITICAL PARTIES.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. The state central committee of any political party in this state shall have full power to pass upon and determine all controversies concerning the regularity of the organization of that party within and for any congressional, judicial, senatorial or representative district, or county, or city, in this state, and also concerning the right to the use of the party name, and may make such rules governing the method of passing upon and determining such controversies as it may deem best, unless such rules shall have been theretofore provided by the state convention of such party, and all such determinations upon the part of the state central committee shall be final: Provided, however, That from the time the state convention of such party convenes until the time of its final adjournment such state convention shall have all the powers above given to the state central committee, but not otherwise; and, Provided, further, That the state convention of such party may provide rules that shall govern the state central committee in the exercise of the powers herein conferred upon such committee.

State central committee control controversies of party.

Rules by state convention.

Decisions final.

State convention control during session.

Provide rules.

Sec. 2. Within ten days after the adjournment of the State Convention of any political party at which state central committee is selected, the Chairman and

Chairman file a membership of committee.

Secretary of said convention shall under oath file with the Secretary of the State a full and complete roll of the membership of said State Central Committee.

Emergency.

Sec. 3. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 16, 1901.

CHAPTER 72.

ELECTIONS.

BALLOTS.

(S. B. No. 257, by Senator West.)

AN ACT

IN RELATION TO ELECTION BALLOTS; PROVIDING A PUNISHMENT FOR THE VIOLATION THEREOF, AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. A space two inches square in the upper left hand corner, immediately below the perforated lines, on the face of all ballots, used or to be used at any election hereafter held, shall be made black; and it shall be the duty of all election judges or clerks to write the number of said ballot on the opposite side of said black square and turn and paste down the corner thereof in the manner as is now provided by law.

Corner of ballot
made black.

Number written
on opposite
side.

Violation.

Penalty.

Sec. 2. Any election judge or clerk who shall wilfully violate the provisions of this act shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail for a term

not less than three months nor more than one year, or by both such fine and imprisonment.

Sec. 3. Any county clerk who shall print any ballot without complying with the provisions of this act shall be guilty of a misdemeanor and punished accordingly. Misdemeanor.

Sec. 4. All acts and parts of acts in conflict herewith are hereby repealed. Repeal.

Approved April 16, 1901.

CHAPTER 73.

ELECTIONS.

JUDGES, CLERKS, WATCHERS, BALLOTS.

(S. B. No. 327, by Senator Barela.)

AN ACT

IN RELATION TO ELECTIONS.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. Appointment of Judges and Clerks of Election. At the several times designated by statute for the appointment of judges and clerks of election, the county commissioners of each county shall appoint three qualified electors, bona fide residents of the election precinct or district, to act as judges of election in each district or precinct in such county two (2) at least of whom may be members of opposite political parties. Vacancies in the office of judge of election shall be filled by the board of county commissioners, unless such vacancy occur within three days prior to the day of the general election, when such vacancy may be filled by the electors present, as now provided by law; Provided, That no one

Appointment of judges and clerks of election.
Opposite political parties.
Vacancies.

Qualifications. who is the employer, agent, superintendent, manager or boss of a number of employes, of any company, corporation, or person, carrying on mining or manufacturing, or railroad operations in any precinct, shall be appointed a judge or clerk of election; Provided, also, That the clerks of election shall be each a bona fide member of a different political party from that to which his associate belongs.

Clerk of different party from associate.

Watchers.

One for each party.

Act as challenger.

Qualifications.

Select others.

Sec. 2. Watchers. Each of the two political parties casting the highest vote for the principal officer to be chosen at the last general election, shall have the right to appoint in each precinct one person, a bona fide member of such party, and a resident of the precinct, to remain within the polling place, as a watcher, during the casting and counting of votes, and the declaration of the result thereof. Such watcher may also act as challenger, when there is reason to believe that any person about to vote is not entitled to vote in that precinct. No one who is the employer, agent, manager, superintendent or boss of a number of employes of any company, corporation, or person, carrying on mining, manufacturing or railroad operations in such precinct, shall be appointed such watcher, and each watcher shall have the right to select and have present, during the counting of the votes, three registered voters of the precinct.

Imperfect markings of ballots.

Interpretation.

Sec. 3. Marking, Imperfectly, Names of Candidates, Voted for. If an imperfect cross or a mark be found near the name of a candidate in ink, which mark appears to have been made with intent to designate the candidate so marked as the one voted for, such ballot shall not be rejected, if the intent of the voter to designate the person for whom he intended to vote can be reasonably gathered therefrom; Provided, That if marks placed opposite the names of individual candidates shall work, to a complete exclusion of the candidates of the party, the designation of which has been written in at the top of the ballot, and the intention of the voter is clear, it shall not be necessary to strike out the names of the candidates against whom it is desired to vote.

Sec. 4. If any person shall interfere with any ^{Interference.} watcher herein provided for while he is in the discharge of his duties, then such person so interfering shall be deemed guilty of a misdemeanor, and upon conviction ^{Misdemeanor.} shall be fined not more than three hundred dollars ^{Penalty.} (\$300.00). Justices of the Peace shall have jurisdiction of ^{Justices have} actions brought for a violation of this act, subject to the ^{jurisdiction.} right of appeal as provided for in cases of assault and battery.

Approved April 15, 1901.

CHAPTER 74.

EMINENT DOMAIN.

(H. B. No. 162, by Mr. Park.)

AN ACT

AMENDING AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED AN ACT TO PROVIDE FOR THE EXERCISE OF THE RIGHT OF EMINENT DOMAIN" APPROVED APRIL 7, 1885, THE SAME BEING SECTION 1716, MILLS ANNOTATED STATUTES OF THE STATE OF COLORADO.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. Section 2 of an act entitled "An Act to amend an act entitled An Act to provide for the exercise of the right of eminent domain" Approved April 7, 1885, the same being section 1716, Mills' [Mills] Annotated Statutes of the State of Colorado, is hereby amended so as to read as follows:

Sec. 2. That in all cases where the right to take private property for public or private use without the owner's consent, or the right to construct or maintain ^{Right of eminent domain conferred.}

Compensation
not agreed
upon.

Consent of
owner.

Apply to dis-
trict judge.

File petition.

Defendants.

Unknown de-
fendants.

File affidavit.

any Railroad, Spur or sidetrack, Public road, Toll road, Ditch, Bridge, Ferry, Telegraph, Flume, or other public or private work or improvement, or which may damage property not actually taken, has been heretofore or shall hereafter be conferred by General Laws or Special Charter, upon any Corporate or Municipal authority, Public body, Officer or Agent, Person or Persons, Commissioner or Corporation, and the compensation to be paid for in respect of the property sought to be appropriated or damaged for the purposes above mentioned, cannot be agreed upon by the parties interested; or in case the owner of the property is incapable of consenting, or his name or residence is unknown, or he is a non resident of the State, it shall be lawful for the party authorized to take or damage the property so required, or to construct, operate and maintain any Railroad, Spur or Sidetrack, Public road, Toll road, Ditch, Bridge, Ferry, Telegraph, Flume, or other public or private work or improvement, to apply to the Judge of the District or County Court, either in Term time or vacation, where the said property or any part thereof is situate, by filing with the clerk a petition, setting forth, by reference, his or their authority in the premises; the purpose for which said property is sought to be taken or damaged, a description of the property, the names of all persons interested therein as owners or otherwise, as appearing of record, if known or if not known, stating that fact, and praying such Judge to cause the compensation to be paid to the owner to be assessed; if the proceedings seek to affect the property of persons under guardianship, the guardians or conservators of persons having conservators, shall be made parties defendant, and if of married women, their husbands shall also be made parties; persons interested whose names are unknown, may be made parties defendant by the description of the unknown owners; but in all such cases an affidavit shall be filed by or on behalf of the petitioner, setting forth that the names of such persons are unknown. In cases where the property is sought to be taken or damaged by the state

for the purpose of establishing, operating or maintaining any state house, charitable or other state institution or improvement, the petition shall be signed by the Governor, nor, or such other person as he shall direct, or as shall be provided by law. Governor sign where property is taken for state.

Under the provisions of this Act, private property may be taken for private use, for private ways of necessity, for Reservoirs, Drains, Flumes or Ditches, on or across the lands of others for agricultural, mining, milling, domestic or sanitary purposes. The amendment of said act shall not be construed to affect any right, either as to remedy or otherwise, nor to abate any suit or action or proceeding existing, instituted or pending under the act so hereby amended. Property for private use. Not affect previous right of action.

Approved April 30, 1901.

CHAPTER 75.

EXECUTIVE DEPARTMENT.

INTEREST ON WARRANTS AND CERTIFICATES OF INDEBTEDNESS.

(S. B. No. 10, by Senator Bucklin.)

AN ACT

TO AMEND SECTION 6 OF AN ACT ENTITLED "AN ACT TO REPEAL SECTIONS THIRTY NINE, FORTY-SEVEN, SIXTY-ONE AND SEVENTY-NINE, IN CHAPTER THIRTY-SEVEN, OF THE GENERAL STATUTES OF THE STATE OF COLORADO, ENTITLED 'EXECUTIVE DEPARTMENT,' AND TO ENACT CERTAIN LAWS IN LIEU THEREOF". APPROVED MARCH 25TH, 1885.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. Section 6 of an Act entitled "An Act to repeal sections thirty-nine, forty-seven, sixty-one and seventy-nine, in Chapter thirty-seven, of the General

Statutes of the state of Colorado, entitled, 'Executive Department', and to enact certain laws in lieu thereof", approved March 25th, 1885, is hereby amended so as to read as follows:

State warrants and certificates of indebtedness bear 4 per cent interest.

Not compounded.

Capitol building fund 5 per cent.

Repeal.

Emergency.

Sec. 6. State warrants shall bear interest at the rate of four (4) per cent. per annum, from the date of their presentation for payment. State certificates of indebtedness shall bear interest at the rate of four (4) per cent. per annum from the date of their presentation to the State Treasurer for endorsement; Provided, that no interest shall be paid on interest already accrued. And provided further, that warrants and certificates of indebtedness against the Capitol Building Fund, shall bear interest at the rate of five per cent. per annum.

Sec. 2. All acts and parts of Acts inconsistent herewith are hereby repealed.

Sec. 3. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved March 30, 1901.

CHAPTER 76.

EXECUTIVE DEPARTMENT.

STATE AUDITOR.

(S. B. No. 286, by Senator Ammons.)

AN ACT

TO PROVIDE FOR THE TRANSFER OF THE FUNDS FROM THE STOCK BRAND FUND TO THE FUND FOR THE PAYMENT OF BOUNTIES ON WOLVES, COTOTES (COYOTES) AND MOUNTAIN LIONS.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That the State Auditor is hereby authorized and directed to transfer all moneys which are in

the Stock Brand Fund or hereafter to be paid into said Auditor trans-
fund to the fund for the payment of bounties on wolves, fer stock brand
coyotes and mountain lions, and the Auditor is hereby to bounty fund.
authorized to draw his warrants for the payment of such Auditor draw
bounties. warrants.

Sec. 2. In the opinion of the General Assembly an Emergency.
emergency exists; therefore, this act shall take effect
and be in force from and after its passage.

Approved April 1, 1901.

CHAPTER 77.

FEEBLE MINDED PERSONS.

(S. B. No. 246, by Senator Hill.)

AN ACT

TO PROVIDE FOR THE CARE AND CUSTODY OF FEEBLE-
MINDED PERSONS, AND TO AUTHORIZE BOARDS OF
COUNTY COMMISSIONERS TO MAKE EXPENDITURES
THEREFORE. (THEREFOR.)

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. Whenever a relative, guardian or friend
of a feeble-minded person shall make application to the Application for
judge of any county court of the state for the relief, relief of feeble
care, custody, training and education of said feeble- minded person.
minded person, the judge of the county court of the
county wherein such person resides, if he shall deem County judge
such feeble minded person a proper subject for care, issue order.
custody, relief, training and education, may issue an
order authorizing the board of county commissioners to Authorize
provide for the care, custody, relief, training and educa- county commis-
tion of such feeble-minded person. The judge shall ac- sioners to pro-
vide care.

Accompanied
by certificate.

company said order with a certificate stating the name in full, age, place of nativity, the town, city or county in which said feeble-minded person resides and whether such feeble-minded person, his parents, relatives or guardians are able to provide for his support, in whole or in part, which statement must be verified by the affidavit of two disinterested persons, residents of the same county as the feeble-minded person and acquainted with the facts and circumstances stated.

Affidavit of two
disinterested
persons.

County com-
missioners
provide care.

Sec. 2. The board of county commissioners, upon receipt of said order from the county judge, shall provide for the care, custody, relief, training and education of such feeble-minded person under the care of a public or private institution provided for the treatment of feeble-minded persons in this or other state, and the board of county commissioners shall appropriate from the fund provided for the care and relief of the poor, not otherwise appropriated, such sums as shall be necessary.

Emergency.

Sec. 3. In the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 27, 1901.

CHAPTER 78.

FEES AND SALARIES.

LEGAL ADVERTISEMENT.

(S. B. No. 129, by Senator Taylor.)

AN ACT

TO AMEND SECTION 1423, CHAPTER 38, OF THE GENERAL STATUTES OF THE STATE OF COLORADO, 1883, ENTITLED "FEES", AND TO REPEAL ALL ACTS IN CONFLICT HEREWITH.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That section 1423 of the general Statutes of the State of Colorado, 1883, entitled "Fees", be and is hereby amended to read as follows:

SECTION 1423. Publishers of newspapers in this State shall be entitled to receive the following fees: For the publication of all legal advertising in newspapers required to be done by law in this State, publishers shall be paid at the rate of seven cents for each line of nonpareil, measure thirteen ems (pica) wide, for the first insertion, and four cents for each subsequent insertion. In ascertaining charges under the provisions of this act, twelve lines shall be counted to the inch, and all emblems, display headings, rule work and necessary blank space shall be paid for as if solid type. And any public or municipal officer or board created by or existing under the laws of this State that has now, or may hereafter be authorized by law to enter into contracts for the publication of legal advertisements, is hereby authorized, subject to other limitations on said authority, now imposed by law, to agree to pay therefor prices not exceeding said rates.

Fees for legal
advertising.

Measurement.

Officer fix
rates.

Repeal.

Sec. 2. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 28, 1901.

CHAPTER 79.

FEES AND SALARIES.

LEGAL ADVERTISEMENTS.

(H. B. No. 240, by Mr. Rawalt.)

AN ACT

TO DEFINE LEGAL NOTICES AND ADVERTISEMENTS.

Be it Enacted by the General Assembly of the State of Colorado:

Legal advertisement defined.

Section 1. That any notice required to be published in a newspaper by any law of this state, the ordinances of any city or town, or the order of any court, shall be held to be a legal advertisement within the meaning of section 1423, chapter 38, of the General Statutes of the State of Colorado; Provided, however, that any contract providing for payment for such notice at a lesser sum than is provided in said act 1423 shall be valid.

Contracts for less than legal rate valid.

Repeal.

Sec. 2. All acts or parts of acts in conflict with this act are hereby repealed.

Emergency.

Sec. 3. In the opinion of the general assembly an emergency exists; therefore, this act shall take effect from and after its passage.

Approved April 11, 1901.

CHAPTER 80.

FEES AND SALARIES.

(S. B. No. 101, by Senator Annear.)

AN ACT

TO AMEND SECTION ONE (1) OF AN ACT ENTITLED AN ACT "TO AMEND SECTIONS 1, 2, 3, 7, 9, 10, 11, 12, 13, 14 AND 17 OF AN ACT ENTITLED 'AN ACT TO PROVIDE FOR THE PAYMENT OF SALARIES TO CERTAIN OFFICERS, TO PROVIDE FOR THE DISPOSITION OF CERTAIN FEES, AND TO REPEAL ALL ACTS INCONSISTENT THEREWITH,' APPROVED APRIL 6, 1891, AND TO REPEAL ALL OTHER LAWS IN CONFLICT THEREWITH," APPROVED APRIL 11, 1899.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That section 1 of an act entitled an act "To amend sections 1, 2, 3, 7, 9, 10, 11, 12, 13, 14, and 17 of an act entitled 'An act to provide for the payment of salaries to certain officers, to provide for the disposition of certain fees, and to repeal all acts inconsistent therewith', approved April 6, 1891, and to repeal all other laws in conflict therewith", approved April 11, 1899, be amended so as to read as follows:

Sec. 1. For the purpose of providing for and regulating the compensation of county and other officers, the several counties of this state shall be classified with reference to population and divided into five classes as follows: Arapahoe county shall be first class; El Paso, Teller and Pueblo counties shall be second class; Boulder, Fremont, Lake, Pitkin, Las Animas and Weld counties shall be third class; Chaffee, Clear Creek, Conejos, Costilla, Douglas, Eagle, Garfield, Gilpin, Gunnison, Huerfano, Larimer, La Plata, Logan, Mesa, Montrose, Ouray,

Counties classified to regulate salaries of officers.

Population.

First class.

Second class.

Third class.

Fourth class.

Fifth class.

Fourth class
counties, division
"A."

Division "B."

Otero, Park, Prowers, Jefferson, Rio Grande, Saguache, San Miguel and San Juan counties shall be fourth class; Archuleta, Baca, Bent, Cheyenne, Custer, Delta, Dolores, Elbert, Grand, Hinsdale, Kiowa, Kit Carson, Lincoln, Montezuma, Mineral, Morgan, Phillips, Rio Blanco, Routt, Sedgwick, Summit, Washington and Yuma counties shall be fifth class. The counties of the fourth class shall be divided into two divisions, known as "A" and "B". The counties comprising division "A" shall be Clear Creek, Conejos, Garfield, Gilpin, Huerfano, Larimer, La Plata, Mesa, Otero, Ouray, and San Miguel; and the counties comprising division "B" shall be Costilla, Chaffee, Douglas, Eagle, Gunnison, Logan, Montrose, Jefferson, Park, Prowers, Rio Grande, Saguache and San Juan.

Approved April 27, 1901.

CHAPTER 81.

FLAGS.

DESECRATION.

(H. B. No. 85, by Mr. Cannon.)

AN ACT

TO PREVENT THE DESECRATION OF THE FLAG OF THE UNITED STATES AND OF THE FLAG OF THIS STATE.

Be it Enacted by the General Assembly of the State of Colorado:

Desecration of
flags of United
States or state.

Section 1. Any person who, in any manner, for exhibition or display, puts or causes to be placed, any inscription, design, devise, symbol, portrait, name, advertisement, words, characters, marks or notice whatever upon any flag or ensign of the United States, or state flag of this state or ensign evidently purporting to be either of said flags, or ensigns, or who, in any manner

appends, annexes or affixes to any such flag, or ensign, any inscription, design, devise, symbol, portrait, name, advertisement, words, marks, notice or token whatever, or who displays or exhibits or causes to be displayed or exhibited, any flag, or ensign of the United States or flag of this state, or flag, or ensign evidently purporting to be either of said flags, upon which shall, in any manner be put, attached, annexed or affixed, any inscription, design, devise, symbol, portrait, name, advertisement, words, marks, notice or token whatever, or who publicly and wilfully mutilates, tramples upon, or who tears down or wilfully and maliciously removes while owned by others, or otherwise defaces or defiles any of said flags, or ensigns, whether any of said flags, or ensigns, are public or private property, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine not exceeding two hundred and fifty dollars or imprisoned not exceeding one year, or both; Provided, however, That this act shall not apply to flags or ensigns the property of or used in the service of the United States or of this state, upon which inscription, names of actions, words, marks or symbols are placed pursuant to law or authorized regulations.

Misdemeanor.

Penalty.

Exceptions.

And provided further, that nothing in this act shall be construed so as to prevent the use of such flags for purely decorative purposes, not involving advertising and not inconsistent with the spirit of this act, on patriotic holidays and in connection with patriotic celebrations, but that the affixing, imprinting, painting or by any means causing the name, portrait or emblem of any political party or candidate of any political party to be placed, carried or displayed on any of the above described flags or banners, that it shall be deemed to be a misdemeanor and shall be punishable as above described.

Decorations.

Approved March 28, 1901.

CHAPTER 82.

FISH.

HATCHERY, ROUTT COUNTY.

(H. B. No. 101, by Mr. Lyttle.)

AN ACT

TO PROVIDE FOR THE PURCHASE OF A SITE AND THE ESTABLISHMENT AND MAINTENANCE OF A STATE FISH HATCHERY IN THE COUNTY OF ROUTT, AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado:

Appropriation.

Section 1. That there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of Twenty five Hundred dollars for the purpose of purchasing a site for a branch State Fish Hatchery in the county of Routt, to be selected by the state fish commissioner, or by the officer who shall discharge the duties heretofore discharged by the State Fish Commissioner, and for the erection and stocking of said hatchery.

Site for fish
hatchery.
Commissioner
select.
Erection.
Stocking.

Select site
within sixty
days.

Sec. 2. The said Fish Commissioner shall, within sixty days after this act shall take effect, select a site for said hatchery at Steamboat Springs, Routt county, Colorado.

Name.

Sec. 3. Such hatchery shall be designated as Routt County Hatchery.

Construction.

Sec. 4. Said hatchery shall be constructed as soon as practicable after the selection of said site by the said fish commissioner, and shall in no event be built at a greater cost than the sum hereby appropriated.

Sec. 5. Said construction shall be done under the supervision of the Fish Commissioner or one of his deputies, according to the plans adopted by the fish commissioner. Commissioner supervise.

Sec. 6. Said hatchery shall be in charge of one assistant to be appointed as is now, or may hereafter be, provided by law, who shall receive as his salary for his services the sum of nine hundred and fifty dollars per annum. One assistant. Compensation.

Sec. 7. The sum of nineteen hundred dollars is hereby further appropriated out of any funds not theretofore appropriated for the purpose of paying the salary of said assistant for the next two years. Appropriation for salary.

Sec. 8. The state Auditor is hereby authorized to draw warrants against said appropriations upon presentation of vouchers therefor by the state fish commissioner, approved by the Governor. Auditor draw warrants.

Approved April 15, 1901.

CHAPTER 83.

FORESTRY.

(H. B. No. 249, by Mr. Fall.)

AN ACT

RELATING TO THE PRESERVATION OF THE FOREST TREES IN THE STATE OF COLORADO, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

Be it Enacted by the General Assembly of the State of Colorado.

Section 1. No trees needed to conserve the snows, ice or water of any irrigation district shall be cut from any part of the public domain, except as hereinafter provided. No trees cut.

Application to
cut trees.

Contents.

Sec. 2. Any person desiring to cut trees upon any lands owned by the state shall make application in writing to the registrar of the state board of land commissioners, which application shall contain: (a) A complete legal designation of the lands upon which it is desired to cut the trees; (b) the purposes for which such trees are to be used; (c) that he will carefully protect from fires or other damage all trees less in size than those desired to cut; (d) that he will entirely remove, as directed by the state board of land commissioners, all cut trees and their branches in such manner that fires may not consume the smaller trees; (e) that such trees as are desired for use are not necessary for the conservation of the irrigation waters of any irrigation water-shed.

Registrar refer
application to
appraiser.

Estimate cost
of examination
and report.

Certified check
to cover costs.

Sec. 3. The registrar of the state board of land commissioners shall, on receiving such application, refer the same to the appraiser of state lands, who shall estimate the cost of examining and reporting upon the said application, and the said registrar of the state board of land commissioners shall thereupon require of the applicant a certified check payable to the state treasurer, covering the costs as estimated by the said appraiser of state lands, as well as the costs of all other proceedings, directed in this act, to determine whether such trees can be lawfully cut.

Registrar pub-
lish application.

Protests.

Sec. 4. The registrar of the state board of land commissioners shall cause the application of said person to cut trees to be published, for the full period of thirty days, in one or more daily or weekly newspapers having such circulation as will fully advise the water users of the irrigation area upon the water-shed on which such trees are growing of the pendency of such application, and that protests to the granting of the application must be made within twenty days from the date of the last publication, which date shall be given in such published notice.

Water user
may protest.

Sec. 5. Any water user of any irrigation district thus affected may protest to the state board of land commissioners against allowing said trees to be cut.

Sec. 6. Upon the expiration of the time for making protests as provided in section 4 of this act, the registrar of the state board of land commissioners shall refer all papers and proceedings to the appraiser of state lands, who shall thereupon personally inspect the designated lands and the trees growing thereon and carefully consider the protests, if any, from the water users, and thereupon shall report in writing to the registrar of the state board of land commissioners advising that such trees may be properly disposed of, or against allowing the same to be done; but no trees less than ten inches in diameter two feet above the ground shall be allowed to be cut by any person whomsoever.

Registrar refer papers to appraiser.

Personal inspection.

Report to registrar.

Trees less than ten inches in diameter.

Sec. 7. Should the report of the appraiser of state lands advise that the trees desired may be properly disposed of, the registrar of the state board of land commissioners shall at once notify by registered letter each and every protesting water user, if any, and such protesting water user or users shall thereafter be allowed fifteen days in which to commence injunction proceedings in any court of competent jurisdiction restraining the state board of land commissioners from disposing of said trees, and the said state board of land commissioners shall make no defense to the proceedings in injunction by said water users except at the full cost of the applicant desiring to cut said trees from the state lands. Should there be no protests, or should injunction proceedings fail, the said trees desired by said applicant shall be advertised in the paper having the greatest circulation within the state for a period of four weeks, one insertion during each week, and thereafter publicly sold at the state capitol in the city of Denver to the highest bidder, and if such highest bidder be some person other than the applicant, the legitimate costs of said applicant in prosecuting his application, which costs shall only be the expenses incurred by state officials as herein provided, shall be returned to the applicant; Provided, No bids shall be received which do not include the costs incurred by said applicant in determining the right to cut the de-

Registrar notify protesting water users.

Injunction.

Cost of defense.

Trees advertised.

Sold publicly.

Costs returned to applicant.

Exception.

Costs not
recovered.

Commissioners
require bond.

Tree defined.

No unguarded
fire allowed.

Camping parties
secure
permit.

Clerk issue
permit.

Fee.

Permits must
be shown on
demand.

May be
taken up.

Non-residents
obtain services
of warden.

sired trees. Should the appraiser of state lands report adversely to the cutting of the trees desired by applicant, or in injunction proceedings bar a sale, said applicant shall not recover any of the costs incurred by reason of this act.

Sec. 8. The state board of land commissioners shall require of all persons cutting trees upon state lands a bond in a sufficient amount, with good and approved security, for the carrying out in good faith of the provisions of this act.

Sec. 9. For the purposes of this act the word tree shall be held to mean all vegetable growth of a woody texture of any size whatsoever. No lands contemplated in this act shall be growth of a woody texture of any size whatsoever. No lands contemplated in this act shall be leased for any purpose whatsoever that will destroy the tree growth.

Sec. 10. No open fires not sufficiently guarded to prevent spreading shall be allowed in any forest area in this state, and all live coals emptied from any stove or remaining from any open fire shall be at once and completely extinguished with water before leaving.

Sec. 11. No person, party or parties, shall be allowed to camp, either for business or pleasure, in any forest district of this state outside of the county in which they legally reside, without first taking out a permit so to do. Such permit shall bear such part of this act as relates to fires and their care, and shall be issued by the clerk of any county court within the state upon the payment of the sum of fifty cents as a fee. Permits must at all times be produced and shown to any game or forest warden, land appraiser, constable, sheriff, or other official empowered by law to demand the same, and such permit may be taken up by such warden, land appraiser or other official whenever the holder thereof shall willfully violate the provisions of this act.

Sec. 12. Non-residents of this state shall not camp within the forest districts for pleasure until they shall have obtained the services, at their own cost, of a game

or forest warden as conservator of the state's interests, and such warden will be held strictly responsible for the care and prevention of fires from extending to the forest areas.

Sec. 13. Game and forest wardens, the land appraisers, and all peace officers of the state, are hereby charged with the enforcement of this act so far as it relates to fires in forest areas, and shall have full power to arrest, with or without warrant, all violators and deliver them to the nearest constable or sheriff, to be dealt with according to law.

Power to arrest violators.

Sec. 14. The right of way of any railroad within the forest areas of this state shall be kept free from inflammable material, and every locomotive used in such forest area shall be so equipped and operated as to prevent the setting on fire of any tree growth along or adjacent to such right of way. Any destruction caused by a violation of this section of this act shall be appraised by the appraiser of the state board of land commissioners, and if the appraised value of such destruction is not paid by the offending railroad company within ninety days of such appraisement, then and in that case the state board of land commissioners shall bring suit in the name of the state to recover all damages, losses and costs caused by or arising out of the wrongful acts or negligence of the offending railroad company. The measure of damages shall consist of not only the actual commercial value of the trees destroyed, but also their value as conservators of the snows, ice or irrigation waters contemplated in this act and promoters of adjacent tree growth. Each day's neglect to properly equip and operate as herein directed any locomotive shall be deemed a separate offense, punishable in like manner and with like penalties. The provisions of this section of this act shall take effect and become operative on and after the first day of July, A. D. 1901.

Prevention of fire from locomotive in forest area.

Destruction appraised.

Commissioners bring suit.

Measure of damages.

Each day's neglect a separate offense.

Penalty.
Take effect.

Sec. 15. For the purpose of more fully carrying out the provisions of this act the state board of land commissioners are hereby empowered to employ such num-

Commissioners employ deputy appraisers.

- ber of persons, not exceeding six, as in their judgment are necessary. Such persons shall be known as deputy appraisers. They shall receive for their services the sum of five (\$5.00) dollars per diem, and shall have authority to arrest all violators of this act, with or without warrant, and deliver them to the most accessible justice of the peace or other officer authorized by law to act in such cases.
- Compensation.**
- Duties.**
- Misdemeanor.** Sec. 16. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in the sum of not less than twenty-five nor more than one hundred dollars or by imprisonment of not less than fifteen days nor more than sixty days or by both fine and imprisonment as the court may direct. Suit may also be brought in the name of the state for damages arising from fires destroying the timber or the trees of the state whenever such damage has been caused by any violation of the provisions of this act by any person or persons engaged in any business or pleasure pursuit whatever.
- Penalty.**
- Suit may be brought.**
- District attorneys prosecute.** Sec. 17. The district attorneys of the various judicial districts of the state are hereby directed to prosecute in the name of the state all cases arising under this act.
- Repeal.** Sec. 18. All acts or parts of acts inconsistent with this act are hereby repealed.
- Emergency.** Sec. 19. In the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 10, 1901.

CHAPTER 84.

HUMANE SOCIETY.

(S. B. No. 111, by Senator Philp.)

AN ACT

TO PREVENT WRONGS TO CHILDREN AND DUMB ANIMALS,
AND TO ESTABLISH A BUREAU OF CHILD AND ANIMAL
PROTECTION.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That the Colorado Humane Society be and hereby is constituted a state bureau of child and animal protection for the purposes hereinafter set forth; State bureau of child and animal protection.
Provided, That the said humane society shall accept and carry out the provisions of this act.

Sec. 2. The governor, the superintendent of public instruction and the attorney general shall be ex officio members of the board of directors of said state bureau. Ex-officio members of board.

Sec. 3. It shall be the duty of the said bureau to secure the enforcement of the laws for the prevention of wrongs to children and dumb animals; to assist the organization of district and county societies and the appointment of local and state agents, and give them representation in the state bureau; to aid such societies and agents in the enforcement of the laws for the prevention of wrongs to children and dumb animals which may now or hereafter exist; and to promote the growth of education and sentiment favorable to the protection of children and dumb animals. Duties. District and county societies.

Sec. 4. Said bureau shall hold its annual meetings on the second Monday in November in each year, at the capitol of the state, for the transaction of its business Annual meetings.

and the election of its officers, at which meeting all questions relating to child and animal protection in the state may be considered.

Annual report. Sec. 5. The said bureau shall make an annual report before the first day of January of each year, to the secretary of state, embracing the proceedings of the bureau for the preceding year and statistics showing the work of the bureau and its agents and county and district societies throughout the state, together with such papers, facts and recommendations as they may deem useful to the interests of children and dumb animals in the state; said report to be fully prepared for publication, which report shall not exceed one hundred (100) pages. The secretary of state shall cause the same to be published in pamphlet or book form by the state, under the supervision of the bureau.

Limit of report.

Secretary of state publish.

Number of copies. Sec. 6. The number of copies to be published of said report shall be two thousand, all of which shall be bound in uniform style every two years in one volume, and shall be distributed by the secretary of state as follows: Ten copies each to the governor of the state, secretary of state, state auditor and state treasurer, five copies each to the judges of the supreme court and the attorney general, two copies to each member of the legislature, one copy to each judge and clerk of district and county courts, one copy to each board of county commissioners, one copy to each newspaper office in the state, ten copies to the state university, school of mines, state industrial schools and warden of the penitentiary, two copies to each college of learning in the state, two copies to the state agricultural college, and the remainder to the bureau of child and animal protection.

Distribution.

Humane society certify acceptance. Sec. 7. If the said humane society shall accept the provisions of this act, they shall certify their acceptance of the same to the secretary of state and the state auditor.

Approved April 30, 1901.

CHAPTER 85.

IRRIGATION.

(S. B. No. 185, by Senator Clayton.)

AN ACT

IN RELATION TO IRRIGATION; PRESCRIBING CERTAIN PENALTIES IN RELATION THERETO, AND DEFINING CERTAIN DUTIES OF THE STATE ENGINEER AND SUPERINTENDENTS OF IRRIGATION.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. Whenever any owner or owners of any irrigation ditch, canal, flume or reservoir in this state, taking water from any stream, shall fail to erect or maintain in good repair, at the point of intake of such ditch, canal, flume or reservoir, a suitable and proper headgate, and measuring flume or weirs, together with the necessary embankments therefor, of sufficient height and strength to control the water at all ordinary stages, with a frame work constructed of timber not less than four inches square, at the bottom, sides and gate or gates of plank not less than two inches in thickness, then the State Engineer or Superintendent of irrigation shall, upon ten days' previous notice in writing duly served upon the owner or owners of such irrigation ditch, canal, flume or reservoir, or upon any agent or employe representing or controlling the same, refuse to deliver to such owner or owners of such irrigating ditch, canal, flume or reservoir, any water from such stream, until such owner or owners shall cause to be erected or repaired the headgate, headgates or measuring flumes of such ditch, canal, flume or reservoir.

Owner of ditch,
etc., erect
headgate and
flume.
Failure.

State engineer
give notice to
build.

Refusal.

Not deliver
water.

Owner of ditch transferring water erect headgate and flume.

Failure.

State engineer or superintendent give notice.

Refusal.

Not deliver water.

Engineer or superintendent supply commissioner with rating tables.

Owners not impound water in reservoirs.

Gauge rod maintained.

Failure.

Sec. 2. Whenever the owner or owners of any irrigation ditch, canal or reservoir transferring water from one public stream to another, or from a reservoir, ditch or flume to a stream, in order that the same may be diverted therefrom for irrigation or any other purposes, shall fail and neglect to construct suitable and proper measuring flumes or weirs for the proper and accurate determination of the amount and volume of water turned into, carried through and diverted out of said public stream, then the State Engineer or the Superintendent of irrigation shall, upon five days' previous notice in writing duly served upon the owner or owners of any such irrigation ditch, canal or reservoir, or agent or employe thereof, so transferring water from one public stream to another, or from any ditch, canal or reservoir to a public stream for conveyance therethrough, refuse to allow to be taken and diverted therefrom, any water whatever on account of delivery of water thereto, for such time and until such owner or owners shall cause to be erected or repaired such flumes or weirs at the point of delivery to and taking from said public stream so used as a conduit.

Sec. 3. The State Engineer or Superintendent of irrigation shall rate the measuring flumes and weirs referred to in sections 1 and 2 of this act, and shall supply the Superintendent of the division and the water commissioner of the district in which such measuring flumes or weirs are located, with a rating table, which shall be used by them in measuring water flowing to and from such public stream.

Sec. 4. The owners or possessors of reservoirs shall not have the right to impound any water whatever in such reservoir during the time that such water is required in ditches for direct irrigation or for reservoirs holding senior rights. A gauge rod shall be permanently fixed and maintained at the outlets of said reservoirs, and if any owner or possessor of any reservoir shall fail or refuse within thirty days after this act goes into effect, to provide, fix and maintain such gauge rod or rods, as

aforesaid, then and in that event the owner or possessor of such reservoir shall not be entitled to impound any water whatever in said reservoir or reservoirs until the provisions of this section are fully complied with.

Not entitled to water.

Sec. 5. All headgates and measuring weirs used in connection with canals, flumes, ditches and reservoirs for the measuring and delivery of water therefrom and thereto, shall be under the supervision and control at all times of the State Engineer, the Superintendent of irrigation of the water division and the water commissioner of the water district wherein such headgate and measuring weirs are located.

Engineer, superintendent and commissioner control headgates, etc.

Sec. 6. The owner or owners of any reservoir situate upon or in the bed of any natural stream or through which any natural stream runs, for the purpose of storing water to be diverted at a point further down said stream, shall, at the expense of the owner or owners, cause a complete survey of the contour lines of said reservoir to be made by the State Engineer, and it shall be the duty of the State Engineer to make such survey upon the request of the owner, which said contour lines shall be ascertained for at least every vertical foot in depth, and, in all cases where deemed necessary by the State Engineer, for fractions of a foot; and a table to be prepared showing the number of cubic feet, capacity of said reservoir for each foot in depth and fraction thereof; and a gauge rod placed in said reservoir, marked in correspondence with said contour line from which the amount of water stored in, or taken from, said reservoir, may be ascertained. And in case of failure so to do, the said State Engineer or Superintendent of irrigation shall refuse to be allowed to be taken into, or diverted from, said reservoir, any water whatever; Provided, however, That in all cases where for any reason said State Engineer may find it impracticable to make said survey, the said owner or owners of said reservoir may continue to store and deliver water upon providing a suitable and proper measuring flume or weir for the accurate ascertainment of the amount of water discharged from said reservoir.

Owner of reservoir cause survey of contour lines.

State engineer make survey.

Prepare table of capacity.

Place gauge rod.

Failure.

Not deliver water.

Survey impracticable.

Measure water discharged.

Repeal.

Sec. 7. All acts and parts of acts inconsistent here with are hereby repealed.

Approved [April] 13, 1901.

CHAPTER 86.

IRRIGATION.

(S. B. No. 200, by Senator Jefferson.)

AN ACT

TO AMEND SECTION 44 OF AN ACT ENTITLED "AN ACT TO REGULATE THE USE OF WATER FOR IRRIGATION, AND PROVIDING FOR SETTling THE PRIORITY OF RIGHT THERETO, AND FOR PAYMENT OF THE EXPENSES THEREOF, AND FOR PAYMENT OF ALL COSTS AND EXPENSES INCIDENT TO SAID REGULATION OF USE," APPROVED FEBRUARY 19, 1879.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That section 44 of an act entitled "An act to regulate the use of water for irrigation, and providing for settling the priority of right thereto, and for payment of the expenses thereof, and for payment of all costs and expenses incident to said regulation of use," approved February 19, 1879, be amended so as to read as follows to-wit;

Interfering
with adjusted
headgates, etc.

Sec. 44. Every person who shall wilfully and without authority open, close, change or interfere [interfere] with any headgate of any ditch, or any water box or measuring device of any ditch for the receiving or delivery of water, after the headgate of the ditch has been adjusted by and is in the control of the water commissioner, or after such water box or measuring device has been adopted by the ditch officer in charge, shall be

deemed guilty of a misdemeanor and on conviction thereof shall be fined in a sum not more than \$300.00, or imprisoned in the county jail not exceeding sixty days, or both such fine and imprisonment, in the discretion of the court. Misdemeanor.
Penalty.

Any person who shall be found using water taken through any such headgate, water box or measuring device so unlawfully interfered with, shall prima facie be deemed guilty of a violation of this section. Prima facie
guilt.

Sec. 2. Justices of the peace shall have jurisdiction to hear, try and determine actions brought for violations of this act, subject to the right of appeal as provided for in cases of assault and battery. Jurisdiction.
Appeal.

Approved April 20, 1901.

CHAPTER 87.

IRRIGATION.

DISTRICT SYSTEM.

(H. B. No. 43, by Mr. Lubers.)

AN ACT

TO PROVIDE FOR THE ORGANIZATION AND GOVERNMENT OF IRRIGATION DISTRICTS AND TO PROVIDE FOR THE CONSTRUCTION OF CANALS AND RESERVOIRS AND THE ACQUIRING OF CANALS ALREADY CONSTRUCTED OR PARTLY CONSTRUCTED; FOR THE ACQUIRING OF THE RIGHTS OF WAY TO CONSTRUCT IRRIGATION DITCHES, CANALS, RESERVOIRS, AND TO ACQUIRE OTHER PROPERTY; AND FOR THE DIVIDING OF CERTAIN PORTIONS OF THE TERRITORY OF THE STATE OF COLORADO INTO IRRIGATION DISTRICTS; AND FOR SAID IRRIGATION DISTRICTS TO VOTE BONDS FOR THE PURPOSE OF CONSTRUCTING IRRIGATION CANALS OR RESERVOIRS; FOR THE PURPOSE OF BUYING OR PURCHASING BY SAID IRRIGATION DISTRICTS OF IRRIGATION CANALS OR RESERVOIRS ALREADY CONSTRUCTED, OR PARTIALLY CONSTRUCTED, AND OTHER PROPERTY, PAYING FOR THE SAME; PROVIDING FOR A SYSTEM OF REVENUE TO BE RAISED BY TAXATION UPON THE PROPERTY IN SAID IRRIGATION DISTRICTS AND BY TOLLS TO PAY THE INTEREST AND PRINCIPLE [PRINCIPAL] OF SAID BONDS, AND TO PAY CURRENT EXPENSES AND FOR PROPERTY ACQUIRED AND THE MANNER IN WHICH THE SAME SHALL BE DONE, THE HOLDING OF ELECTIONS IN SAID DISTRICTS FOR THE PURPOSE OF ELECTING OFFICERS AND RAISING REVENUES; ALSO PROVIDING FOR THE INCREASE, ENLARGEMENT, DISMEMBERMENT AND DISORGANIZATION OF SAID DISTRICTS.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. (Irrigation Districts—Organization—
Powers—Rights Reserved.) Whenever a majority of the
Organize irrigation districts.

resident freeholders owning lands in any district susceptible to one mode of irrigation from a common source, and by the same system of works, desire to provide for the irrigation of the same, they may propose the organization of an irrigation district under the provisions of this act, and when so organized, each district shall have the powers conferred or that may hereafter be conferred by law upon such irrigation district. **PROVIDED,** That where ditches, canals or reservoirs have been constructed before the passage of this act of sufficient capacity to water the land thereunder for which the water taken in such ditches, canals or reservoirs [reservoirs] is appropriated, such ditches, canals, reservoirs and franchises and the land subject to be watered thereby shall be exempt from operation of this law, except such district shall be formed to make purchase of such ditches, canals, reservoirs and franchises, and that this law shall not be construed to in any way affect the rights of ditches, canals and reservoirs already constructed.

Powers.

Former ditches, etc., exempt unless purchased by new district.

Not affect former rights.

Sec. 2. (Same—Petition—Election.) A petition shall be filed with the board of county commissioners of the county which embraces the largest acreage of the proposed district, signed by a majority of the resident freeholders who are qualified electors of the proposed district, who shall also own a majority of the whole number of acres belong [belonging] to the resident electors of the proposed district, which petition shall set forth and particularly describe the boundaries of said district, and shall pray that the same be organized under the provisions of this act. The petitioners must accompany the petition with a good and sufficient bond, to be approved by said board of county commissioners, in double the amount of the probable cost of organizing such district, conditioned that the bondsman will pay all said costs in case said organization shall not be effected. Such petition shall be published for at least two weeks before the time at which the same is to be presented, in some newspaper printed and published in the county where said petition is presented, together

Freeholders petition for organization.

Give bond.

Petition and notice of meeting published.

Hearing.	with a notice stating the time of the meeting at which the same will be presented. When such petition is presented, and said board of commissioners shall hear the same, and may adjourn such hearing from time to time, not exceeding four weeks in all; and on the final hearing may make such changes in the proposed boundaries as they may find to be proper, and shall establish and define the boundaries; PROVIDED, that said board shall not modify said boundaries so as to exempt from the operation of this act any territory within the boundaries of the district proposed by said petitioners, which is susceptible [susceptible] of irrigation by the same system of works applicable to the other lands in such proposed district, nor shall any land which will not, in the judgement [judgment] of said board, be benefited by irrigation by said system be included in such district; PROVIDED, That any person whose lands are susceptible of irrigation from the same source shall, upon application of the owner to said board, be entitled to have such lands included in said district. The officers of such district shall consist of three directors and a treasurer. Said board of County commissioners shall also make an order dividing said district into three divisions as nearly equal in size as may be practicable, which shall be numbered first, second, and third, and one director shall be elected for each such division. Said board of county commissioners shall then give notice of an election to be held in such proposed district, for the purpose of determining whether or not the same shall be organized under the provisions of this act. Such notice shall describe the boundaries as proposed, and shall designate a name for such proposed district, and said notice shall be published for at least three weeks prior to such election, in a newspaper in said county; and if any portion of such proposed district lies within another county or counties, then said notice shall be published in a newspaper published within each of said counties. Such notice shall require the electors to cast ballots which shall contain the words, "Irrigation district—Yes," or "Irr-
Establish and define boundaries.	
Include lands properly benefited.	
Exclude land not benefited.	
Admit land on application.	
Officers of district.	
Commissioner divide district.	
Give notice of election.	
Contents of notice.	
Publish notice.	
Form of ballot.	

gation district—No,” or words equivalent thereto; and also the names of persons to be voted for to fill various elective offices hereinafter prescribed. No person shall be entitled to vote at any election held under the provisions of this act unless he shall be a qualified elector and the owner of real estate in such district. Qualifications of voter.

Sec. 3. (Same—Canvass of Votes—Proclamation.)

The said board of county commissioners shall meet on the second Monday next succeeding such election and proceed to canvass the votes cast thereat; and if upon such canvass it appears that at least a majority of all the resident freeholders who are legal electors in said district and have paid a property tax in the year last preceeding [preceding] said election have voted “Irrigation District—Yes,” the said board shall, by an order entered on their minutes, declare such territory duly organized as an irrigation district, under the name and style theretofor [theretofore] designated, and shall declare the persons receiving, respectively, the highest number of votes for such several offices, to be duly elected to such offices. Said board shall cause a copy of such order, including a plat of said district, duly certified, to be immediatly [immediately] filed for record in the office of the county clerk of each county in which any portion of such lands are situated; and no board of county commissioners of any county, including any portion of such district, shall, after the date of the organization of such district, allow another district to be formed including any of the lands of such district, without the consent of the board of directors thereof; and from and after the date of such filing, the organization of such district shall be complete, and the officers thereof shall immediatly (immediately) enter upon the duties of their respective offices, upon qualifing in accordance with law, and shall hold such offices, respectively, until their successors are elected and qualified. For the purpose of the election above provided for, the said board of county commissioners must establish a convenient number of election precincts and polling places in said Canvass of votes.

Board declare district organized and officers elected.

File certified copy of order and plat of district.

No other district formed.

Board establish election precincts, etc.

proposed district, and define the boundaries thereof, which said precincts may thereafter be changed by the board of directors of such districts, and shall also appoint their judges of election for each such precinct.

Election.

Sec. 4. (Officers—Election—Bond.) The regular elections of said district shall be held on the first Tuesday after the first Monday in December in each second year thereafter, at which said officers shall be elected. The person receiving the highest number of votes for any office to be filled at such election is elected thereto.

Officers take oath.

Within ten days after receiving their certificates of election, hereinafter provided for, said officers shall take and subscribe the official oath and file the same in the office of the county clerk of the county where the organization was effected, and thereupon immediately (immediately) assume the duties of their respective offices.

Give bond.

Each member of said board of directors shall execute an official bond in the sum of three thousand dollars (\$3,000), which bond shall be approved by the judge of the county court of said county where such organization was effected, and shall be recorded in the office of the county clerk thereof. All official bonds herein provided for shall be in form prescribed by law for official bonds for county officers, except that the obligee named in said bond shall be to said district.

Form of bond.

Office of board.

Sec. 5. (Same—Election Notice.) The office of the board of directors shall be located in the county where the organization was effected. Fifteen days before any election held under this act, subsequent to the organization of the district, the secretary who shall be appointed by the board of directors shall cause notice specifying the polling places of each precinct, to be posted in three public places in each election precinct, of the time and place of holding the election, and shall also post a general notice of the same in the office of said board, which shall be established and kept at some fixed place to be determined by said board in said county. Prior to the time for posting the notices, the board must appoint from each precinct, from the electors thereof, three judges, one of whom

Secretary post notices.

Board appoint judges.

shall act as clerk, who shall constitute a board of election for such precinct. If the board fails to appoint a board of election, or the members appointed do not attend at the opening of the polls on the morning of election, the electors of the precinct present at that hour may appoint the board, or supply the place of an absent member thereof. The board of directors must, in its order appointing the board of election, designate the hour and place in the precinct where the election must be held.

Vacancy filled.

Board designate hour of election.

Sec. 6. (Same—Election Officers' Duties.) One of the judges shall be chairman of the election board and may: First, administer all oaths required in the progress of an election. Second, appoint judges and clerks, if during the progress of the election any judge or clerk ceases to act. Any member of the board of election, or any clerk thereof, may administer and certify oaths required to be administered during the progress of an election. Before opening the polls, each member of the board must take and subscribe to an oath to faithfully perform the duties imposed upon them by law. Any elector of the precinct may administer and certify such oath. The polls must be opened at eight o'clock on the morning of the election and be kept open until six o'clock P. M. of the same day. It shall be the duty of the clerk of the board of election to forthwith deliver the returns duly certified to the board of directors of the district.

Duties of chairman.

Members administer oaths.

Members take oath.

Elector administer oath.

Polls.

Clerk deliver returns.

Sec. 7. (Same—Canvass of Votes.) No lists, tally paper, or certificate returned from any election shall be set aside or rejected for want of form if it can be satisfactorily understood. The board of directors must meet at its usual place of meeting on the first Monday after each election and canvass the returns. If at the time of meeting the returns from each precinct in the district in which the polls were open have been received, the board of directors must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from day to day until all the returns have been received, or until six postponements [postponements] have been had. The canvass must be

No lists rejected.

Board canvass returns.

Canvass postponed.

Made in public. made in public and by opening the returns and counting the votes of the district for each person voted for, and
Board declare result. declaring the results thereof. The board shall declare elected the persons receiving the highest number of votes for each office, and also declare the result on any question submitted.

Secretary file statement. Sec. 8. (Same—Records—Vacancy and Term of Office.) The secretary of the board of directors must, as soon as the result of any election held under the provisions of this act is declared, enter in the records of such board and file with the county clerk of the county in which the office of said district is located, a statement of such results, which statement must show: First, a copy of the publication notice of said election. Second, the names of the judges of said election. Third, the whole number of votes cast in the district and in each precinct of the district. Fourth, the names of the persons voted for. Fifth, the office to fill which each person was voted for. Sixth, the number of votes given in each precinct for each of such persons. Seventh, the number of votes given in the district for each of such persons. Eighth, the names of the persons declared elected. Ninth, the result declared on any question submitted, in accordance with the majority of the votes cast for or against such question.

Person elected. The board of directors must declare elected the person having the highest number of votes given for each office, and also the result of any question submitted. The secretary must immediatly [immediately] make out and deliver to such person a certificate of election, signed by him and authenticated with the seal of the board. In case of a vacancy in the board of diretors, [directors] the vacancy shall be filled by appointment by the board of county commissioners of the county where the office of such board is situated, The director appointed as above provided shall hold his office until the next general election of said district, and until his successor is elected and qualified.

Certificate of election.

Vacancy.

Tenure of office.

Sec. 9. (Board of Directors—Officers—General Duties—By-laws—Ratio of Water Distribution.) The direc-

tors, having duly qualified, shall organize as a board, elect a president from their number, and appoint a secretary. The board shall have the power, and it shall be their duty, to adopt a seal, manage and conduct the affairs and business of the district, make and execute all necessary contracts, employ such agents, attorneys, officers, and employees as may be required, and prescribe their duties, adopt by-laws, establish equitable rules and regulations for the distribution and use of water among the owners of said lands, and generally to perform all such acts as shall be necessary to fully carry out the purposes of this act. Said board may negotiate and contract for the construction or purchase of any canal, reservoir, dam, improvement or other works already constructed or partially constructed, or any reservoir site, water rights or other property, necessary for the use of said district; but no contract involving a consideration exceeding ten (10) thousand dollars and not exceeding twenty-five thousand dollars shall be binding unless such contract shall be authorized and ratified in writing by not less than one-third of the legal electors of said district according to the number of votes cast at the last district election; nor shall any contract in excess of twenty-five thousand dollars be binding until such contract shall have been authorized and ratified at an election, in manner as is provided for the issue of bonds. The said by-laws, rules and regulations shall be printed in convenient form for distribution in the district. And it is hereby expressly provided that all waters distributed exclusively for irrigation purposes shall be apportioned ratably to each land owner upon the basis of the ratio which the number of acres susceptible of irrigation last assessed to such owner for district purposes, within said district, bears to the whole number of acres susceptible of irrigation assessed within the said district, and the water right so apportioned shall attach to and follow the tract of land held in freehold to which it is so apportioned either under lease or sale; Provided, Any city or town within any irrigation district organized under this act shall be entitled to the use of water for

Board organize.

Duties.

Board may construct or purchase canal, etc.

Purchase site for canal.

Contract ratified by electors.

By-laws, etc., printed for distribution.

Apportionment of water.

Water right freehold.

City liable to taxation.

irrigation, domestic and other public purposes, and all real estate within said city or town, exclusive of improvements, shall be liable to taxation for the purposes of this act. All reservoirs, mains and other works required for the distribution of such water for the use of said city or town shall be provided and maintained by said city or town without charge or expense to said district; Provided, When a special assessment is proposed to meet an outlay required to improve, repair, or operate the irrigation system belonging to any district organized under the provisions of this act, and where such proposed outlay exceeds five per cent. of the original cost of said system, said assessment shall not be levied until a majority of the qualified electors of said district according to the number of votes cast at the last district election shall have first approved the same in writing. The board of directors shall have full and exclusive power to lease or rent the use of water to occupants of state or federal government land within the said district, at such prices and on such terms as they deem best; Provided, The rental shall not be less than twice the amount of the district tax and toll for which said land would be liable if held as a freehold; and, Provided, further, No vested or prescriptive right to the use of such water shall attach to said land by virtue of said lease or such rental use.

Maintain reservoirs and mains.

Special assessment approved by electors.

Board lease use of water.

Rental.

No vested right.

Sec. 10. (DIRECTORS—MEETINGS—DUTIES—EMMINENT [EMINENT] DOMAIN—PUBLIC USE.)

The board of directors shall hold a regular quarterly meeting in their office on the first Tuesday in January, April, July and October, and such special meeting as may be required for the proper transaction of business; Provided, That all special meetings shall be ordered by the president of the board, or any two directors, the order must be entered of record, and five days' notice thereof must be given to each member. The order must specify the business to be transacted, and no other than that specified must be transacted at such special meeting. All meetings of the board must be public, and two members shall constitute a quorum for the transaction of business.

Meetings of directors.

Special meetings.

How ordered.

Specify business.

Meetings public.

Quorum

ness, and on all questions requiring a vote there shall be Vote.
a concurrence of at least two members of said board.
All records of the board must be open to the inspection Records open to inspection.
of any elector during business hours. The board, its
agents, and employees, shall have the right to enter upon
any land in the district, to make surveys, and to locate Board enter land.
and construct any canal or canals, and the necessary
laterals. Said board shall also have the right to acquire Board acquire land.
all lands, water rights, franchises and other property
necessary for the construction, use, maintenance, repair,
and improvement of said canal or canals and works; and
shall also have the right, by purchase or condemnation, Eminent domain.
to acquire rights of way and the right to widen or en-
large any canal or reservoir already constructed or par-
tially constructed; also lands for reservoirs for the stor-
age of needful waters and all necessary appurtenances;
such water rights and franchises thus acquired shall Acquired prop-
erty belong to
district.
thereupon become the property of said district, and shall
attach to the lands of said district the same as if such
water rights and franchises had originally been appro-
priated for and applied to said lands. Said board shall
also have the right to acquire by purchase any irrigation Right to pur-
chase works,
etc.
works, ditches, canals or reservoirs already constructed
or partially constructed for the use of said district. In
case of purchase the bonds of the district hereinafter Issue bonds.
Construct
dams, etc.
provided for may be used at their par value in payment.
Said board may also construct the necessary dams, reser-
voirs and works for the collection of water for said dis-
trict, and do any and every lawful act necessary to be
done, that sufficient water may be furnished to each land
owner in said district for irrigation purposes. The use Use of water
declared public.
of all water required for the irrigation of the lands of any
district formed under the provisions of this act, together
with the rights of way for canals and ditches, sites for
reservoirs, and all other property required in fully carry-
ing out the provisions of this act, is hereby declared to be
public use, subject to the regulation and control by the
state in the manner prescribed by law.

Title vest in district.

Sec. 11. (PROPERTY—TITLE.) The legal title to all property acquired under the provisions of this act shall immediatly (immediately) and by operation of law vest in such irrigation district, in its corporate name, and shall be held by such district in trust for, and is hereby dedicated and set apart to the uses and purposes set forth in this act, and shall be exempt from all taxation.

Exempt from taxation.

Board manage property.

And said board is hereby authorized and empowered to hold, use, and acquire, manage, occupy and possess said property as herein provided.

Board take conveyances.

Sec. 12. (CONVEYANCES—SUITS.) The said board is hereby authorized and empowered to take conveyances or other assurances for all property acquired by it under the provisions of this act, in the name of such irrigation districts, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out the provisions of this act, or to enforce, maintain, protect, or preserve any and all rights, privileges and immunities created by this act or acquired in persuance (pursuance) thereof. And in all courts, actions, suits or proceedings the said board may sue, appear and defend, in person or by attorneys, and in the name of such irrigation district.

Institute and maintain actions.

Sue and be sued.

Sec. 13. (BONDS—ELECTION.) For the purpose of constructing or purchasing necessary irrigating reservoir sites, reservoirs, water rights, canals and works, and acquiring the necessary property and rights therefor, and otherwise carrying out the provisions of this act, the board of directors of any such district shall, as soon after such district has been organized as may be practicable, estimate and determine the amount of money necessary to be raised for such purposes, and shall immediatly [immediately] thereupon call a special election, at which shall be submitted to the electors of such district possessing the qualifications prescribed by this act, the question of whether or not the bonds of said district shall be issued and the amount so determined; Provided, Such bonds shall not be issued for more than the actual esti-

Board estimate money needed.

Submit issue of bonds to vote. Not issue for more than costs.

mated cost of said canals, reservoirs, reservoir sites, water rights and works. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper, published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks. Such notice shall specify the time of holding the election, the amount of bonds proposed to be issued, and said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act governing the election of officers; Provided, That no informalities in conducting such election shall invalidate the same if the election shall have been otherwise fairly conducted. At such election, the ballots shall contain the words "Bonds—Yes," or "Bonds—No," or words equivalent thereto. If a majority of the resident freeholders who are legal electors in said district and have paid a property tax in the year last preceeding [preceding] said election have voted "Bonds—Yes," the board of directors shall immediately [immediately] cause bonds in said amount to be issued; said bonds shall be payable in lawful money of the United States, in installments as follows, to wit: At the expiration of eleven years, not less than five per cent. of said bonds; at the expiration of twelve years, not less than six per cent.; at the expiration of thirteen years, not less than seven per cent.; at the expiration of fourteen years, not less than eight per cent.; at the expiration of fifteen years, not less than nine per cent.; at the expiration of sixteen years, not less than ten per cent.; at the expiration of seventeen years, not less than eleven per cent.; at the expiration of eighteen years, not less than thirteen per cent.; at the expiration of nineteen years, not less than fifteen per cent.; and for the twentieth year a per centage sufficient to pay off said bonds, and shall bear interest at the rate of not to exceed six per cent. per annum, payable semi-annually on the first day of April and October

Post and publish notices of election.

Contents of notice.

Form of election.

Not invalidate.

Form of ballot.

Board issue bonds.

Bonds payable in installments.

Board designate where payable.

Denomination and form of bond.

Numbering and date.

Coupons.

Face show authority.

Secretary keep and file record of bonds sold.

Bonds payable in less than 20 years.

Board sell bonds.

Publish notice of sale.

of each year. The principle [principal] and interest shall be payable at the office of the county treasurer of the county in which the organization of the district was effected as aforesaid, or at such other place as the board of directors may designate. Said bonds shall be each of the denomination of not less than one hundred dollars, nor more than five hundred dollars, shall be negotiable in form, executed in the name of the district and signed by the president and secretary, and the seal of the district shall be affixed thereto. They shall be numbered consecutively as issued, and bear date at the time of their issue. Coupons for the interest shall be attached to each bond, signed by the president and secretary. Said bonds shall express on their face that they were issued by the authority of this act, stating its title and date of approval. The secretary shall keep a record of the bonds sold, their number, date of sale, the price received, and the name of the purchaser, and shall file a copy of such record forthwith after such sale with the county clerk of the county in which the office of said district is located; Provided, Any such district may by a majority vote provide for the issuance of bonds that will mature in any number of years less than twenty, and arrange for the payment thereof in installments at the same ratio as above provided.

Sec. 14. (BONDS—SALE—PROCEEDS.) The board may sell said bonds from time to time in such quantities as may be necessary and most advantageous to raise the money for the construction or purchase of said canals, reservoir sites, reservoirs, water rights and works, and otherwise to fully carry out the object and purposes of this act. Before making any sale the board shall, at a meeting, by resolution declare its intention to sell a specified amount of the bonds and the day and hour and place of such sale, and shall cause such resolution to be entered in the minutes, and notice of the sale to be given by publication thereof at least twenty days in a daily newspaper published in the city of Denver, and in any other newspaper, at their discretion. The notice shall

state that sealed proposals will be received by the board at their office, for the purchase of the bonds, till the day and hour named in the resolution. At the time appointed the board shall open the proposals and award the purchase of the bonds to the highest responsible bidder and may reject all bids; but said board shall, in no event, sell any of said bonds for less than ninety-five per cent. of the face value thereof. In case no bid is made and accepted as above provided, the board of directors is hereby authorized to use said bonds for the purchase of canals, reservoir sites, reservoirs, water rights and works, or for the construction of any canal, reservoir and works; Provided, Such bonds shall not be so disposed of at less than ninety-five per cent. of the face value thereof.

Sealed proposals.

Award to highest bidder or reject all.

Not sell below face value.

Use bonds for purchase.

Selling price.

Sec. 15. (BONDS—PAYMENT—LIEN.) Said bonds, and the interest thereon, shall be paid by revenue derived from an annual assessment upon the real property of the district, and all the real property of the district shall be and remain liable to be assessed for such payments as herein provided.

Bonds paid.

Property liable.

Sec. 16. (BOARD OF DIRECTORS—LEVY.) It shall be the duty of the board of directors on or before September first of each year, to determine the amount of money required to meet the maintenance, operating and current expenses for the ensuing [ensuing] year, and to certify to the county commissioners of the county in which the office of said district is located, said amount, together with such additional amount as may be necessary to meet any deficiency in the payment of said expenses theretofor [theretofore] incurred.

Board determine amount required to operate.

Certify to commissioners.

Sec. 17. (ASSESSOR—ASSESSMENT.) It shall be the duty of the county assessor of any county embracing the whole or a part of any irrigation district, to assess, and enter upon his records as assessor in its appropriate column, the assessment of all real estate, exclusive of improvements, situate, lying and being within any irrigation district, in whole or in part in said county. Immediately [immediately] after said assessment shall have been duly equalized and extended, as provided by law,

Assessor enter upon records.

Equalized.

Make returns. the said assessor shall make returns of the total amount of such assessment to the county commissioners of the county in which the office of said district is located.

County commissioner fix rate of levy. Sec. 18. (COUNTY COMMISSIONERS.) It shall be the duty of the county commissioners of the county in which is located the office of any irrigation district, immediately [immediately] upon the receipt of the returns of the total assessment of said district, and upon the receipt of the certificate of the board of directors certifying the total amount of money required to be raised as above provided, to fix the rate of levy necessary to provide said amount of money, and to fix the rate necessary to provide the amount of money required to pay the interest and principle [principal] of the bonds of such district as the same shall become due, and to certify said respective rates to the county commissioners of each county embracing any portion of said district. The rate of levy shall, in all cases, include therein fifteen per cent. of the levy made to cover delinquencies. And it shall be the duty of the county commissioners of each county comprising any irrigation district in whole or in part, at the time of making the levy for county purposes, to make a levy, at the rates above fixed, upon all real estate in said district within their respective counties.

Certify rates to other commissioners.

Rate include 15 per cent of levy for delinquencies.

Commissioners make levy.

County treasurer made district treasurer. Sec. 19. (DISTRICT TREASURER.) The county treasurer of the county in which is located the office of any irrigation district, shall be and is hereby constituted EX OFFICIO district treasurer of said district, and said county treasurer shall be liable upon his official bond, and to indictment and criminal prosecution [prosecution], for malfeasance, misfeasance or failure to perform any duty herein prescribed as county treasurer or district treasurer, as is provided by law in other cases as county treasurer. Said treasurer shall receive and receipt for all moneys belonging to said district. It shall be the duty of the county treasurer of each county comprising any irrigation district in whole or in part, to collect and receipt for all taxes levied as herein provided, in the same manner and at the same time as is required in the

Bond for malfeasance.

Receipt for moneys.

receipt for and collection of taxes upon real estate for county purposes; Provided, however, That such county treasurer shall receive in payment of the general fund tax above mentioned for the year in which said taxes were levied, warrants drawn against said general fund the same as so much lawful money of the United States, if such warrant does not exceed the amount of general fund tax which the person tendering the same owes; Provided, further, That such county treasurer shall receive in payment of the district bond fund taxes above mentioned for the year in which said taxes were levied, interest coupons or bonds past due issued by said irrigation districts, the same as so much lawful money of the United States, if such interest coupons do not exceed the amount of district bonds fund which the person tendering the same owes. The county treasurer of each county comprising a portion only of any irrigation district excepting the county treasurer of the county in which the office of said district is located, on the first Monday of every month, shall remit to the district treasurer aforesaid, all the moneys collected or received on account of said district. Every such county treasurer shall keep a bond fund account and a general fund account. The bond fund shall comprise all moneys received on account of interest and principal of the bonds issued by said district, said accounts for interest and principal, each to be kept separate [separate]. The general fund shall comprise all other moneys received. The district treasurer aforesaid shall out of said bond fund pay when due the interest and principle [principal] of the bonds of said district, at the time and at the place specified in said bonds, and shall pay out of said general fund only upon order signed by the president and countersigned by the secretary of said district, as herein provided. The district treasurer, on the fifteenth day of each month, shall report to the board of directors of said district the amount of money in his hands to the credit of the respective funds above provided. All such district taxes collected and paid to the county treasurers as aforesaid shall be received by said

Collect taxes.
 Receive warrants.
 Warrant not exceed amount owed.
 Receive interest coupons on bond past due.
 County treasurers remit to district treasurer.
 Keep separate accounts.
 Bond fund.
 General fund.
 Pay interest and principal from bond fund.
 Pay from general fund upon order.
 Treasurer report to board.

Treasurers responsible.

treasurers in their official capacity, and they shall be responsible for the safe keeping, disbursement and payment thereof the same as for other moneys collected by them as such treasurers.

Revenue laws applicable.

Sec. 20. (ASSESSMENT—COLLECTION.) The revenue laws of this state for the assessment, levying and collection of taxes on real estate for county purposes, except as herein modified, shall be applicable for the purposes of this act, including the enforcement of penalties and forfeiture for delinquent taxes.

Board adopt plans.

Publish call for bids.

Sec. 21. (CONSTRUCTION OF CONTRACTS.)

After adopting a plan of said canal or canals, storage reservoirs, and works, the board of directors shall give notice, by publication thereof not less than twenty days in one newspaper published in each of the counties comprised wholly [wholly] or partially within the district, provided a newspaper is published therein, and in such other newspapers as they may deem advisable, calling for bids for the construction of said work or any portion thereof; if less than the whole work is advertised, then the portion so advertised, must be particularly described in such notice; said notice shall set forth that plans and specifications can be seen at the office of the board, and that the board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating [stating] the time and the place for opening the proposals, which at said time and place shall be opened in public, and as soon as convenient thereafter the board shall let said work, either in portions or as a whole, to the lowest responsible bidder, or they may reject any or all bids and re-advertise for proposals, or may proceed to construct the work under their own superintendence. Contracts for the purchase of material shall be awarded to the lowest responsible bidder. The person, or persons, to whom a contract may be awarded, shall enter into a bond with good and sufficient sureties, to be approved by the board, payable to said district for its use, for not less than ten per cent. of the amount of the contract price, conditioned for

Describe work advertised.

Plans and specifications.

Sealed proposals.

Open in public.

May reject bids and readvertise.

May construct work.

Bond.

the faithful performance of said contract. The work shall be done under the direction and to the satisfaction of the engineer in charge, and be approved by the board.

Board direct work.

Sec. 22. (CLAIMS—AUDIT—PAYMENT—FINANCIAL REPORTS.) No claim shall be paid by the district treasurer until the same shall have been allowed by the board, and only upon warrants signed by the president, and countersigned by the secretary, which warrants shall state the date authorized by the board and for what purpose; and if the district treasurer has not sufficient money on hand to pay such warrant when it is presented for payment, he shall endorse thereon "not paid for want of funds; this warrant draws interest from date at six per cent. per annum," and endorse thereon the date when so presented, over his signature, and from the time of such presentation until paid, such warrant shall draw interest at the rate of six per centum per annum; Provided, When there is a sum of one hundred dollars or more in the hands of the treasurer, it shall be applied upon said warrant. All claims against the district shall be verified the same as is required in the case of claims filed against counties in this state, and the secretary of the district is hereby authorized and empowered to administer oaths to the parties verifying said claims the same as the county clerk or notary public might do. The district treasurer shall keep a register in which he shall enter each warrant presented for payment, showing the date and amount of such warrant, to whom payable, the date of the presentation for payment, the date of payment, and the amount paid in redemption thereof, and all warrants shall be paid in the order of their presentation for payment to the district treasurer. All warrants shall be drawn payable to the claimant or bearer, the same as county warrants.

Board allow claims.

Treasurer pay only upon warrants.

Endorse warrant.

Warrant draw interest.

Treasurer apply money.

Claims verified.

Secretary administer oaths.

Treasurer keep register.

Pay in order of presentation.

Payable to bearer.

Sec. 23. For the purpose of defraying the expense of the organization of the district, and the care, operation, management, repair, and improvement of such portions of said canal and works as are completed and in use, including salaries of officers and employees, the

Board fix and collect tolls or assessments to defray expenses.

board may either fix rates of tolls and charges and collect the same from all persons using said canal for irrigation or other purposes, or may provide for the payment of said expenditures by a levy of assessments therefor, as heretofor [heretofore] provided, or by both tolls and assessments.

Board may construct across streams, etc.

Sec. 24. (CROSSING STREAMS, HIGHWAYS, RAILROADS, STATE LANDS, ETC.) The board of directors shall have the power to construct the said works across any stream of water, water course, street, avenue, highway, railway, canal, or ditch, or flume which the route of said canal or canals may intersect or cross, in such manner as to afford security [security] for life and property; but the said board shall restore the same, when so crossed or intersected, to its former state as near as may be, or in a sufficient manner not to have impaired unnecessarily its usefulness; and every com-

Restore intersection to usefulness.

Railroad unite in forming intersections.

pany whose railroad shall be intersected or crossed by said works shall unite with said board in forming said intersections and crossings, and grant the privilege [privilege] aforesaid; and if such railroad company and said board, or the owners and controllers of said property, thing or franchise so to be crossed, cannot agree upon the amount to be paid therefor, or the points or the manner of said crossings, the same shall be ascertained and determined in all respects as is provided in respect to the taking of land* for public uses. The right of way is hereby given, dedicated, and set apart, to locate, construct and maintain said works over and through any of the lands which are now, or may be the property of the state.

Eminent domain.

Right of way dedicated.

Salaries.

Sec. 25. (OFFICERS' SALERIES [SALARIES]—NOT INTERESTED IN CONTRACTS.) The board of directors shall each receive at the rate of two and a half dollars per day while attending meetings, and their actual and necessary expenses while engaged in official business under the order of the board. In districts containing less than 250,000 acres the salary [salary] of the secretary shall not exceed eight hundred dollars per

annum. No director or any officer named in this act shall in any manner, be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; nor shall receive any bonds, gratuity, or bribe, and for any violation of this provision, such officer shall be deemed guilty of a felony, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the penitentiary not exceeding five years nor less than one year.

No director or officer interested in contract, etc.

Felony.

Penalty.

Sec. 26. (LIMIT OF INDEBTEDNESS.) The board of directors, or other officers of the district, shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act, and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void.

Limit of indebtedness.

Sec. 27. (INSUFFICIENT SUPPLY—DISTRIBUTION.) In case the volume of water in any canal, reservoir or other works in any district, shall not be sufficient to supply the continual wants of the entire district and susceptible of irrigation therefrom, then it shall be the duty of the board of directors to apportion in a just and equitable proportion a certain amount of said water upon certain or alternate weekly days to different localities as they may, in their judgement [judgment] think best, for the interest of all parties concerned, and with due regard to the legal and equitable rights of all.

Insufficient supply.

Directors apportion.

Sec. 28. (COMPENSATION FOR PERSONS DAMAGED, ETC.) Nothing herein contained shall be deemed to authorize any person, or persons, to divert the waters of any river, creek, stream, canal, or reservoir to the detriment of any person or persons having a prior right to the waters of such river, creek, stream, canal, or reservoirs, unless previous compensation be ascertained and paid therefor, under the laws of this state authorizing the taking of private property for public use.

Compensation for persons damaged by diversion.

Change of
boundaries.

Sec. 29. (BOUNDARIES—CHANGE OF—EFFECT.) The boundaries of any irrigation district now or hereafter organized under the provisions of this act, may be changed in the manner herein prescribed; but such change of the boundaries of the district shall not impair or affect its organization, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature, nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for, or upon which it was or might become liable or chargeable had such change of its boundaries not been made.

Effect.

Owners of con-
tiguous terri-
tory petition to
include lands.

Sec. 30. (CONTIGUOUS TERRITORY—ANNEXATION—PETITION.) The holder or holders of title, or evidence of title, representing one-half or more of any body of land adjacent to the boundary of an irrigation district, may file with the board of directors of said district a petition, in writing, praying that the boundaries of said district may be so changed as to include their said lands. The petition shall describe the boundaries of said tract or tracts of land, and shall also describe the boundaries of the several tracts owned by the petitioners, if the petitioners be the owners, respectively, of distinct tracts, but such description need not be more particular than may be required to be when such lands are entered by the county assessor in the assessment book. Such petition must contain the assent of the petitioners to the inclusion in said district of the tracts of land described in the petition, and of which said petitioners allege that they are respectively the owners; and it must be acknowledged in the same manner that conveyances of land are required to be acknowledged.

Petition de-
scribe lands.

Contain assent
to inclusion.

Acknowledged.

Secretary file
and publish
notice.

Sec. 31. (SAME—NOTICE.) The secretary of the board of directors shall cause notice of the filing of such petition to be given and published in the same manner and for the same time that notices of special elections for the issuance of bonds are required by said act to be published. The notice shall state the filing of such petition and the names of the petitioners, a description of the lands mentioned in said petition, and the prayers of said

Contents.

petitioners; and it shall notify all persons interested, or that may be affected by such change of the boundaries of the district, to appear at the office of said board at a time named in said notice, and show cause, in writing, if any they have, why the change in the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice, at which they shall be required to show cause, shall be the regular meeting of the board next after the expiration of the time for the publication of the notice. The petitioner or petitioners shall advance to the secretary sufficient money to pay the estimated cost of all proceedings under this act.

Time for complaint specified.

Petitioners advance costs.

Sec. 32. (SAME—HEARING.) The board of directors, at the time and place mentioned in said notice, or at such other time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all the objections thereto, presented in writing by any person, showing cause, as aforesaid, why said proposed change of the boundaries of the district should not be made. The failure of any person interested in said district or in the matter of the proposed change of its boundaries, to show cause, in writing, as aforesaid, shall be deemed and taken as an assent on his part to the change of the boundaries of the district, as prayed for in said petition, or to such change thereof as will include a part of said lands. And the filing of such petition with said board, as aforesaid, shall be deemed and taken as an assent on the part of each and all of such petitioners to such a change of said boundaries that they may include the whole or any portion of the lands described in said petition.

Board hear petition and objections.

Objections presented in writing.

Failure to object.

Petition deemed assent.

Sec. 33. (PAYMENT BY PETITIONERS.) The board of directors, to whom such petition is presented, may require as a condition precedent to the granting of the same, that the petitioners shall severally pay to such district such respective sums, as nearly as the same can be estimated (the several amounts to be determined by the board), as said petitioners or their grantors would have been required to pay to such district as assessments

Directors require payment of proportion of expenses of forming district.

had such lands been included in such district at the time the same was originally formed.

Sec 34. (BOUNDARIES—CHANGE — ORDERS.) The board of directors, if they deem it not for the best interests of the district that a change of its boundaries be so made as to include therein the lands mentioned in the petition, shall order that the petition be rejected. [,] but if they deem it for the interest of the district that the boundaries of said district be changed and if no person interested in the proposed change of its boundaries show cause in writing why the proposed change should not be made, or if, having shown cause, withdraws the same, the board may order that the boundaries of the district be so changed as to include therein the lands mentioned in the said petition, or some part thereof. The order shall describe the boundaries as changed, and shall also describe the entire boundaries of the district as they will be after the change thereof, as aforesaid, is made; and for that purpose the board may cause a survey to be made of such portion of such boundaries as is deemed necessary.

Directors reject
petition.

Order bound-
aries changed
to include
tract.

Cause survey.

Directors re-
solve to change
boundaries
despite objec-
tions.

Resolution give
boundaries.

Sec. 35. (SAME—RESOLUTION TO CHANGE.) If any person interested in said district, or the proposed change of its boundaries, shall show cause, as aforesaid, why such boundaries should not be changed, and shall not withdraw the same, and if the board of directors deem it for the best interest of the district that the boundaries thereof be so changed as to include therein the lands mentioned in the petition, or some part thereof, the board shall adopt a resolution to that effect. The resolution shall describe the exterior boundaries of the lands which the board is of the opinion should be included within the boundaries of the district when changed.

Board order
election.

Sec. 36. (SAME—ELECTION.) Upon the adoption of the resolution mentioned in the last preceding section the board shall order that an election be held within said district to determine whether the boundaries of the district shall be changed as mentioned in said resolution, and shall fix the time at which such election shall be held,

and cause notice thereof to be given and posted and published, and such election shall be held and conducted, the returns thereof shall be made and canvassed, and the result of the election ascertained and declared, and all things pertaining thereto conducted in the manner prescribed by said act in case of a special election to determine whether bonds of an irrigation district shall be issued. The ballots cast at said election shall have the words "For Change of Boundary," or "Against Change of Boundary," or words equivalent thereto. The notice of election shall describe the boundaries in such manner and terms that they can be readily traced .

Sec. 37. (ELECTION—RESULT—ORDER.) If at such election a majority of all the votes cast at said election shall be against such change of the boundaries of the district the board shall order that said petition be denied, and shall proceed [proceed] no further in the matter. But if a majority of such votes be in favor of such change of the boundaries of the district the board shall thereupon order the boundaries of the district to be changed in accordance with said resolution adopted by the board. The said order shall describe the entire boundaries of said district, and for that purpose the board may cause a survey of such portions thereof to be made as the board may deem necessary.

Sec. 38. (ORDERS—RECORD—EFFECT.) Upon a change of the boundaries of a district being made, a copy of the order of the board of directors ordering such change, and a plat certified by the president and secretary of the board, shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district, and thereupon the district shall be and remain an irrigation district, as fully and to every intent and purpose as if the lands which are included in the district by the change of the boundaries, as aforesaid, had been included therein at the organization of the district; and said district as enlarged shall be liable for all existing obligations and indebtedness of the organized district.

Secretary
record petition
in minutes.

Admissible in
evidence.

Sec. 39. (RECORDS—EVIDENCE.) Upon the filing of the copies of the order and the plat, as in the last preceding section mentioned, the secretary shall record in the minutes of the board the petition aforesaid; and the said minutes or a certified copy thereof, shall be admissible [admissible] in evidence with the same effect as the petition.

Legal represen-
tatives may
sign or object
to petition.

Sec. 40. (LEGAL REPRESENTATIVES PETITIONERS.) A guardian, executor or an administrator of an estate, who is appointed as such under the laws of this state, and who, as such guardian, executor or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may, on behalf of his ward or the estate which he represents, upon being thereunto authorized by the proper court, sign and acknowledge the petition in this act mentioned, and may show cause, as in this act mentioned, why the boundaries of the district should not be changed.

Board re-divide
district.

Size, number
and name.

Establish or
change election
precincts.

Sec. 41. (REDIVISION OF DISTRICT—ELECTION OF OFFICERS.) In case of the inclusion of any land within any district by proceedings [proceedings] under this act the board of directors shall, at least thirty days prior to the next succeeding general election, make an order re-dividing such district into three divisions, as nearly equal in size as may be practicable, which shall be numbered First, Second, and Third, and one director shall thereafter be elected by each division. For the purposes of election the board of directors shall establish a convenient number of election precincts in said districts, and define the boundaries thereof, which said precincts may be changed from time to time as the board may deem necessary.

Tracts may be
excluded.

Sec. 42. (DISMEMBERMENT OF DISTRICTS—EFFECT.) The boundaries of any irrigation district now or hereafter organized under the provisions of this act, may be changed and tracts of land which are included within the boundaries of such districts at or after its organization under the provisions of said act, may be excluded therefrom in the manner herein prescribed; but

neither such change of the boundaries of the district, nor such exclusion of lands from the district, shall impair or affect its organization, or its rights in or to property, or any of its rights or privileges, [privileges] of whatever kind or nature; nor shall it effect [affect], impair or discharge any contract, obligation, lien or charge for or upon which it was or might become liable or chargeable had such change of its boundaries not been made or had not any land been excluded from the district.

Organisation,
rights, obligations,
etc., not
impaired.

Sec. 43. (SAME—PETITION.) The owner or owners in fee of one or more tracts of land which constitute a portion of an irrigation district, may file with the board of directors of the district a petition praying that such tracts and any other tracts contiguous thereto may be excluded and taken from said district. The petition shall describe the boundaries of the land which the petitioners desire to have excluded from the district, and also, the lands of each of such petitioners which are included within such boundaries; but the description of such lands need not be more particular or certain than is required when the lands are entered in the assessment book by the county or precinct assessor; such petition must be acknowledged in the same manner and form as is required in case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such conveyance.

Owner may file
petition to ex-
clude tracts.

Petition de-
scribe bound-
aries, etc.

Petition ac-
knowledgeed.

Sec. 44. (SAME—NOTICE.) The secretary of the board of directors shall cause a notice of the filing of such petition to be published for at least two weeks in some newspaper published in the county where the office of the board of directors is situated, and if any portion of said district lie within another county or counties, then said notice shall be so published in a newspaper published within each of said counties; or if no newspapers be published therein, then by posting such notice for the same time in at least [least] three public places in said district, and in case of the posting of said notices, one of said notices must be so posted on the lands proposed to be excluded. The notice shall state the filing of such

Secretary pub-
lish and post
notice.

Contents of notice.

petition, the names of the petitioners; description of the lands mentioned in said petition, and the prayer of said petitioners; and it shall notify all persons interested in or that may be affected by such change of the boundaries of the district, to appear at the office of said board at a time named in said notice, and show cause in writing, if any they have, why the change of the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice.

Time to show cause.

Board hear petition and objections.

Sec. 45. (SAME — HEARING — UNIRRIGABLE LANDS EXEMPT FROM TAXATION.) The board of directors at the time and place mentioned in the notice, or at the time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition and all objections thereto, presented in writing by the persons, showing cause as aforesaid, why the prayer of said petition should not be granted. The failure of any person interested in said district to show cause in writing why the tracts or tract of land mentioned in said petition should not be excluded from said district, shall be deemed and taken as an assent by him to the exclusion of such tract or tracts of land, or any part thereof, from said district; and the filing of such petition with such board, as aforesaid, shall be deemed and taken as an assent by each and all of such petitioners to the exclusion from such district of the lands mentioned in the petition, or any part thereof. Provided, That in no case shall any lands be held by any district or taxed for irrigation purposes which cannot from any natural cause be irrigated hereby.

Failure to show cause accepted as assent.

Filing of petition deemed assent of petitioners.

Land not irrigable exempt from taxation.

Board deny petition.

Sec. 46 (SAME—ORDERS.) The board of directors, if they deem it not for the best interests of the districts that the lands mentioned, in the petition, or some portion thereof, should be excluded from said district, shall order that said petition be denied; but if they deem it for the best interest of the district that the lands men-

tioned, in the petition, or some portion thereof be excluded from the district, and if no person interested in the district show cause in writing why the said lands, or some portion thereof should not be excluded from the district, or if having shown cause, withdraws the same, and also, if there are no outstanding bonds of the district, then the board may order the lands mentioned in the petition, or some defined portion thereof, to be excluded from the district.

Objections
withdrawn.

No outstanding
bonds.

Order lands
excluded.

Sec. 47. (SAME — ORDERS — OUTSTANDING BONDS.) If there be outstanding bonds of the district, then the board may adopt a resolution to the effect that the board deems it to the best interest of the district that the lands mentioned in the petition, or some portion thereof, should be excluded from the district. The resolution shall describe such lands so that the boundaries thereof can be readily traced. The holders of such outstanding bonds may give their assent in writing to the effect that they severally consent that the board may make an order by which the lands mentioned in the resolution may be excluded from the district. The assent may be acknowledged by the several holders of such bonds in the same manner and form as is required in case of a conveyance of lands, and the acknowledgment shall have the same force and effect as evidence as an acknowledgment [acknowledgment] of such conveyance. The assent shall be filed with the board and shall be recorded in the minutes of the board; and said minutes, or a certified copy thereof, shall be admissable [admissible] in evidence with the same effect as the said assent; but if such assent be not filed, the board shall deny and dismiss said petition.

Outstanding
bonds.

Board vote to
exclude lands.

Bondholders
consent to
exclusion.

Assent ac-
knowledged.

Acknowledg-
ment as evi-
dence.

Assent filed
and recorded.

Admissible in
evidence.

Sec. 48 (SAME — ORDER — ELECTION.) If the assent aforesaid of the holders of said bonds be filed and entered of record as aforesaid, and if there be objections presented by any person showing cause as aforesaid which have not been withdrawn, then the board may order an election to be held in said district to determine whether an order shall be made excluding said

Election to
exclude.

Notice give boundaries.	lands from the district as mentioned in the resolution. The notice of such election shall describe the boundaries of all the lands which it is proposed to exclude, and
Publication.	such notice shall be published for at least two weeks prior to such election in a newspaper published within the county where the office of the board of directors is situated; and if any portion of said district lie within another county or counties, then said notice shall be so published in a newspaper published in each of such counties. Such notice shall require the electors to cast
Form of ballot.	ballots which shall contain the words "For exclusion," or "Against exclusion," or words equivalent thereto.
Board deny petition of election against exclusion.	Sec. 49. (ELECTION — ORDER CHANGING BOUNDARIES.) If at such election a majority of all the votes cast shall be against the exclusion of said lands from the district, the board shall deny and dismiss said petition and proceed no farther in said matter; but
Order exclusion if vote be favorable.	if a majority of such votes be in favor of the exclusion of said lands from the district the board shall thereupon order that the said lands mentioned in said resolution be excluded from the district. The said order shall describe the boundaries of the district should the exclusion of the said lands from said district change the boundaries of the district, and for that purpose the
Order describe boundaries.	board may cause a survey to be made of such portions of the boundaries as the board may deem necessary.
Cause survey.	Sec. 50. (ORDERS—RECORD—EFFECT.) Upon the entry in the minutes of the board of any of the orders
Order and plat certified and filed.	hereinbefore mentioned, a copy thereof, including plat of the district as changed, certified by the president and secretary of the board, shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district, and thereupon said district shall be and remain an irrigation district as fully, to every intent and purpose, as it would have been had
District remain unchanged.	no change been made in the boundaries of the district, or had the lands excluded therefrom never constituted a portion of the district.

Sec. 51. (SAME—OFFICES VACATED.) If the lands excluded from any district under this act shall embrace the greater portion of any division or divisions of such district, then the office of director for such division shall become and be vacant at the expiration of ten days from the final order of the board, under section forty-nine of this act excluding said lands, and such vacancies shall be filled by appointment by the board of county commissioners of the county where the office of such board is situated, from the district at large. A director appointed as above provided shall hold his office until the next regular election for said district and until his successor is elected and qualified.

Office of director vacated.

Appointment from district at large.

Tenure.

Sec. 52. (DIVISION OF DISTRICTS.) At least thirty days before the next general election of such district the board of directors thereof shall make an order dividing said district into three divisions, as nearly equal in size as practicable, which shall be numbered, first, second, and third, and one director shall be elected by each division. For the purpose of election in such district the said board of directors must establish a convenient number of election precincts, and define the boundaries thereof, which said precincts may be changed from time to time, as the board of directors may deem necessary.

Board redivide district.

Establish and change election precincts.

Sec. 53. (DISSOLUTION OF DISTRICT—ELECTION.) Whenever a majority of the resident freeholders, representing a majority of the number of acres of the irrigable lands in any irrigation district organized, or hereafter to be organized, under this act, shall petition the board of directors to call a special election, for the purpose of submitting to the qualified electors of said irrigation district a proposition to vote on the dissolution of said irrigation district, setting forth in said petition, that all bills and claims of every nature whatsoever have been fully satisfied and paid, it shall be the duty of said board of directors, if they shall be satisfied that all claims and bills have been fully satisfied, to call an election, setting forth the object of said election, and

Petition to dissolve district.

Contents.

Special election.

Publish notice. to cause notice of said election to be published in some newspaper in each of the counties or county in which said district is located, for a period of thirty (30) days prior to said election, setting forth the time and place for holding said election in each of the three voting precincts in said district. It shall also be the duty of the directors to prepare ballots to be used at said election, on which shall be written or printed the words: "For dissolution—Yes," and "For dissolution—No".

Form of ballot.

Canvass votes. Sec. 54. (SAME—CANVASS—RECORD.) The board of directors shall name a day for canvassing the vote and if it shall appear that a majority of said ballots contain the words, "For dissolution—Yes," then it shall be the duty of said board of directors to declare said district disorganized, and shall certify to the county clerk of the respective counties in which the district is situated, stating the number of signers to said petition. That said election was called and set for the day of month year. That said election was held and that so many votes (stating the number), had been cast for, and that so many votes (stating the number), had been cast against said proposition, said certificate to bear the seal of the district, and the signatures of the president and secretary of said board of directors. And it shall be the duty of the said respective clerks to record all such certificates in the records of the respective counties. Should it appear that a majority of the votes cast at said election were "For dissolution—No," then the board of directors shall declare the proposition lost and shall cause the result and the vote to be made a part of the records of said irrigation district.

Record result.

Board provide for judicial examination of bond issue and sale.

Sec. 55. (JUDICIAL EXAMINATION OF BOND HISTORY.) The board of directors of an irrigation district organized under the provisions of this act may commence special proceedings, in and by which the proceedings of said board and of said district providing for and authorizing the issue and sale of the bonds of said district, whether said bonds or any of them have or have

not been sold, or disposed of, may be judicially examined, approved and confirmed.

Sec. 56. (SAME—PETITION.) The board of directors of the irrigation district shall file in the district court of the county in which the lands of the district, or some portion thereof, are situated, a petition praying, in effect, that the proceedings aforesaid may be examined, approved and confirmed by the court. The petition shall state the facts showing the proceedings had for the issue and sale of said bonds, and shall state generally that the irrigation district was duly organized, and that the first board of directors was duly elected; but the petition need not state the facts showing such organization of the district, or the election of said first board of directors.

Board file petition for confirmation.

Contents of petition.

Sec. 57. (SAME—NOTICE OF HEARING.) The court shall fix the time for the hearing of said petition, and shall order the clerk of the court to give and publish a notice of the filing of said petition. The notice shall be given and published in the same manner and for the same length of time that the notice of a special election provided for by said act to determine whether the bonds of said district shall be issued is required to be given and published. The notice shall state the time and place fixed for the hearing of the petition and the prayer of the petitioners, and that any person interested in the organization of said district, or in the proceedings for the issue or sale of said bonds, may, on or before the day fixed for the hearing of said petition, demur to or answer said petition. The petition may be referred to and described in said notice as the petition of the board of directors of.....irrigation district (giving its name), praying that the proceedings for the issue and sale of said bonds of said district may be examined, approved and confirmed by the court.

Court fix time for hearing.

Clerk publish notice.

Form of notice.

Sec. 58. (SAME—ANSWER—PLEADING.) Any person interested in said district, or in the issue or sale of said bonds, may demur to or answer said petition. The provisions of the code of civil procedure respecting

Interested person may answer.

Civil code applicable. the demurrer and answer to a verified complaint shall be applicable to a demurrer and answer to said petition.

Parties. The person so demurring and answering said petition shall be the defendant to the special proceeding, and the board of directors shall be the plaintiffs. Every material

Statements of petition deemed true. statement of the petition not specifically controverted by the answer shall, for the purpose of said special proceeding, be taken as true, and each person failing to answer the petition shall be deemed to admit as true all the material statements of the petition. The rules of pleading and practice relating to appeals and writs of error provided by the Code of Civil Procedure which are not inconsistent [inconsistent] with the provisions of this act are applicable to the special proceeding herein provided for.

Civil code applicable.

Sec. 59. (SAME — DETERMINATION — COSTS.)

Court may examine legality of proceedings affecting bonds. Upon the hearing of such special proceeding the court shall have power and jurisdiction to examine and determine the legality and validity of, and approve and confirm, each and all the proceedings for the organization of said district under the provisions of the said act, from and including the petition for the organization of the district, and all other proceedings which may affect the legality or validity of said bonds, and the order of the sale and the sale thereof. The court in inquiring into the regularity, legality or correctness of said proceedings

Disregard non-essential errors. must disregard an error, irregularity or omission which does not affect the substantial rights of the parties to said special proceedings; and it may approve and confirm such proceedings in part, and disapprove and declare illegal or invalid other or subsequent parts of the proceedings. The court shall find and determine whether the notice of the filing of the petition has been duly given and published for the time and in the manner in this act prescribed, The costs of the special proceedings may be allowed and apportioned [apportioned] between the parties, in the discretion of the court.

Approve or disapprove proceedings.

Determine legality of notice.

Apportion costs.

Repeal. Sec. 60. All acts and parts of acts inconsistent [inconsistent] herewith are hereby repealed.

Sec. 61. In the opinion of the general assembly an emergency exists; therefor [therefore] this act shall be in force and take effect from and after its passage. Emergency.

Approved April 12, 1901.

CHAPTER 88.

JUDGMENTS AND EXECUTIONS.

(H. B. No. 104, by Mr. Cunningham.)

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO AMEND SECTION ONE OF CHAPTER LX (THE SAME BEING GENERAL SECTION 1835), OF THE GENERAL STATUTES OF COLORADO, ENTITLED "JUDGMENTS AND EXECUTIONS", AND APPROVED APRIL 18, 1891 "LIMITING THE TIME FOR THE ISSUANCE OF EXECUTIONS."

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That section one of an act entitled an act to amend section one of chapter LX (the same being general section 1835), of the general statutes of Colorado, entitled "Judgments and Executions," "approved April 18, 1891," is hereby amended to read as follows: Section

1. All and singular the goods and chattels, lands, tenements and real estate of every person against whom any judgment shall be obtained in any court of record, either at law or in equity, for any debt, damages, costs or any other sum of money, shall be liable to be sold on execution to be issued upon such judgment; and the transcript of the docket entry of any judgment in the judgment docket, certified by the clerk, may be filed with the recorder of any county; and from the time of filing such transcript, the judgment shall become a lien upon all the

Property liable to be sold on execution.
Transcript filed.

Judgment become a lien.

real property of such judgment debtor, not exempt from execution in such county, owned by him, or which he may afterwards acquire, until said lien expires.

Continue six years.

Time of restraint by injunction not included.

Execution issue within 20 years.

Judgment satisfied after 20 years.

Real estate defined.

Repeal.

The lien shall continue for six years from the entry of judgment, unless the judgment be previously satisfied; Provided, That in case the party in whose favor any such judgment shall have been entered shall be restrained by injunction out of chancery or order of any judge or court, either from issuing execution or selling thereon, the time which he shall be so restrained shall not be deemed or considered as any part of said six years; and, Provided, further, That execution may issue on such judgment, to enforce the same at any time within twenty (20) years from the entry thereof, but not afterwards, unless revived as provided by law, and from and after twenty (20) years from the entry of final judgment, in any court of this state, the same shall be considered as satisfied in full, unless revived as provided by law. The term "real estate" in this section, shall be construed to include all interest of the defendant, or any person to his use held or claimed by virtue of any deed, bond, covenant, or otherwise, for a conveyance or as mortgagor of lands in fee, for life, or for years.

Sec. 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved April 27, 1901.

CHAPTER 89.

LABOR.

(S. B. No. 51, by Senator Moore.)

AN ACT

IN RELATION TO THE HOURS OF EMPLOYMENT FOR CERTAIN
RAILWAY EMPLOYEES, AND PROVIDING PENALTIES FOR
THE VIOLATION THEREOF.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That no company operating a railroad in whole or in part within this State, shall permit or require any conductor, engineer, fireman, brakeman, telegraph operator, or any trainman who has worked in his respective capacity for sixteen (16) consecutive hours, except in case of casualty, to again go on duty or perform any work until he has had at least ten (10) hours' rest.

Railroad employees not work more than 16 consecutive hours. Exceptions.

Sec. 2. Any company which violates, or permits to be violated, any of the provisions of the preceding section or any officer, agent or employee who violates or permits to be violated any of the provisions of the preceding section, shall be fined not less than one hundred dollars, nor more than three hundred dollars, for each and every violation of this act.

Violation. Penalty.

Sec. 3. All acts or parts of acts in conflict with this act, are hereby repealed.

Repeal.

Approved February 19, 1901.

CHAPTER 90.

MILITIA.**MEDALS.**

(S. B. No. 217, by Senator Lewis.)

A N A C T

TO MAKE OFFICIAL THE MEDALS GIVEN BY THE PEOPLE OF THE STATE OF COLORADO TO THOSE WHO SERVED WITH THE ARMY OR NAVY OF THE UNITED STATES DURING THE WAR WITH SPAIN, AND TO PREVENT PERSONS FROM UNLAWFULLY USING OR WEARING SAID MEDALS, AND TO PRESCRIBE A PENALTY FOR SUCH UNLAWFUL USE.

Be it Enacted by the General Assembly of the State of Colorado:

Medals declared
official.

Section 1. That the medals given by the people of the state of Colorado, in the year 1899, to the men who served in the army or navy of the United States during the war with Spain, such medals being accompanied by a certificate of presentation signed by the Governor and the Adjutant General, and attested by the Secretary of State, are hereby declared to be official tokens from the State of Colorado of such service in the army or navy of the United States.

Certificate of
presentation.

Wilful abuse a
misdemeanor.

Sec. 2. Any person who shall wilfully wear such medal or who shall use or wear the same to obtain aid or assistance, unless he shall be entitled to use and wear the same, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to imprisonment in the county jail for a term not exceeding sixty (60) days, or to a fine not exceeding twenty dollars (\$20.00), or to both such fine and imprisonment.

Penalty.

Sec. 3. Justices of the peace shall have jurisdiction to hear, try and determine actions brought for a violation of this act, subject to the right of appeal as provided for in cases of assault and battery.

Jurisdiction of
Justices of the
peace.

Appeal.

Approved April 27, 1901.

CHAPTER 91.

MINES AND MINING.

COAL MINES.

(H. B. No. 315, by Mr. Caley.)

AN ACT

TO PREVENT FRAUD FROM BEING PRACTICED UPON COAL MINERS BY REQUIRING THE OWNERS OR LESSEES OF ANY COAL MINE TO WEIGH IN THE PIT CAR OR OTHER APPARATUS THE COAL MINED BY EACH MINER, AND CREDIT HIM THEREWITH, BEFORE PASSING THE COAL OVER A SCREEN OR OTHER DEVICE.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. It shall be the duty of every corporation, company or persons engaged in the business of mining and selling coal by weight or measure in this state to procure and constantly keep on hand, at the proper place, the necessary scales and measures and whatever else may be necessary to correctly weigh or measure the coal mined and taken out by the workmen or miners of such corporation, company or persons, and it shall be the duty of the Inspector of Weights and Measures of every county in which coal is mined and sold to visit each coal mine operated therein, and, once in each year, unless oftener requested by the operator or the miner or the miners, test

Mine owner
provide scales.

Weigh coal
taken out by
each miner.

Inspector test
scales.

State inspector
test.

the correctness of such scales and measures. If in any county there is no Inspector of Weights and Measures, then the State Inspector of Mines shall be required to test the correctness of such scales or measures within a reasonable time after application is made to him therefor by either the miners or owner or those who may be operating the mine.

Each car dis-
tinctly num-
bered.

No two cars
bear same
number.

Car weighed
and coal cred-
ited to miner.

Record.
Car marked.

Capacity of car
marked upon it.

2,000 pounds ton.
80 pounds
bushel.

Coal weighed
before screen-
ing.

Paid for by
weight.

Paid for by
measure.

Sec. 2. Each car or other apparatus used by any such corporation, company or person in removing coal from any coal mine shall be plainly marked by having distinctly placed upon it a number which shall be kept thereon while such car or other apparatus is in use and no two cars or other apparatus so used shall bear the same number, and if the coal from such mine is mined and the miners are paid therefor according to weight for mining the same, every such car so used shall be weighed upon such tested scales and the weight of the coal thereof shall be correctly credited to the person mining it and recorded in a book kept for that purpose and the correct weight shall also be marked upon such car or apparatus before it is returned to the mine for re-loading. If the coal of any such mine is mined and the miners thereof are paid for the same by measure, the number of bushels of coal such car or other apparatus will hold when loaded to its capacity shall also be plainly marked upon it and kept thereon as long as such car is used, as aforesaid. Where coal is mined by weight, or by the ton, two thousand pounds shall constitute a ton, or where it is measured by the bushel, eighty pounds shall constitute one bushel.

Sec. 3. All coal mined by the ton or by weight shall be weighed in the car or other apparatus in which it is removed from the mine before it is screened or before it is passed over or dumped upon any screen or any other device which may let or be capable of letting a portion of the coal drop through such screen or device, and it shall be paid for according to the weight so ascertained at such price per ton as may be agreed upon by such owner or operators and the miner or miners who mine the same. All coal mined and paid for by measure shall be paid for

per car according to the number of bushels marked upon the car or other apparatus in which it is removed from the mine and without the coal thereof being screened or without it being passed over or dumped upon a screen or any other device which will let any portion of the coal fall through such screen or device.

Sec. 4. A failure to comply with any of the provisions of this act shall be unlawful and deemed a misdemeanor, and any person, owner or agent operating a coal mine in this state, who shall be convicted of a violation of this act shall be fined for the first offense not less than twenty-five dollars (\$25.00), nor more than fifty dollars (\$50.00) and for the second offense and each subsequent offense not less than one hundred dollars (\$100.) nor more than two hundred dollars (\$200.).

Sec. 5. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect upon and after its passage.

Approved April 30, 1901.

CHAPTER 92.

MINES AND MINING.

EMINENT DOMAIN.

(S. B. No. 244, by Senator Stewart.)

AN ACT

CONCERNING THE EXERCISE OF THE RIGHT OF EMINENT DOMAIN.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. It shall be lawful for the owner of any coal or other mineral lands not contiguous to any railroad or railway track in this state, desiring to connect such lands with any railroad or railway track by means of a connecting railway spur, not to exceed fifteen miles

Owner of coal or mineral lands may construct connecting railway spur.

Right of eminent domain.

Existing laws apply.

in length, to construct and operate such connecting railway spur across any other lands lying intermediate between such coal or other mineral lands and any railroad or railway track with which such connection may be desired; and in case the owner of such coal or other mineral lands is unable to agree with the owner or owners of such intermediate lands for the purchase of any necessary rights of way across such intermediate lands for the purpose of constructing and operating such connecting railway spur as to the purchase price of such rights of way, then the owner of such coal or other mineral lands may exercise the right of eminent domain, and condemn any rights of way across such intermediate lands necessary to make such connection and to construct and operate such connecting railway spur, and may acquire title to such rights of way in the manner provided by law for the condemnation of lands for rights of way by railroad companies; and all the laws of this state relating to the manner of exercising the right of eminent domain by railroad companies are hereby made applicable to such proceedings.

Approved April 15, 1901.

CHAPTER 93.

OFFICIAL REPORTS.

(S. B. No. 179, by Senator Evans.)

AN ACT

TO AMEND SECTION ONE OF "AN ACT TO AMEND SECTION TWO OF 'AN ACT TO AMEND SECTION TWO OF AN ACT,' " ETC., APPROVED APRIL 19, 1895.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That section one of an act entitled "An act to amend section two of 'An act to amend section two of an act,' " etc., approved April 19, 1895, be and the same is hereby amended to read as follows;

Section 1. That section two of an act entitled "An act in relation to public printing," approved April 8, 1889, the same being section 2505 of the General Statutes, be and the same is hereby amended to read as follows:

Sec. 2. All officers required by any law of the state to make report to the legislature, or the governor, shall deposit the same with the governor on or before the 15th day of November next preceding the session of the general assembly; and it shall be the duty of the secretary of state to place said reports, without delay, in the hands of the person authorized to do the public printing for publication, and to superintend the printing of the same, and to see that it is done in a proper manner. Of each of the reports of all elective state officers there may be printed and published 1,000 copies or less, and of all other reports 250 copies or less; Provided, That there shall be 2,000 copies of each of the reports of the state superintendent of public instruction, the state engineer and labor commissioner; Provided, further, That no re-

Time for filing reports.

Secretary of state print.

Distribution.

Number of copies.

Number of
pages.

port shall exceed three hundred pages; Provided, That if such reports as are required to be printed are not published and a copy of each delivered to every member of the general assembly on or before the 10th day of the legislative session following the biennial period reported upon, each delinquent official shall forfeit the sum of one hundred dollars (\$100.) and the state printer shall forfeit 20 per cent. of the contract price for the publication of such reports not ready for delivery in accordance with the provisions of this section; and such forfeiture shall inure to the benefit of the general school fund.

Forfeiture for
non-compliance with act.

Benefit of
school fund.

Emergency.

Sec. 3. Whereas, In the opinion of the general assembly, an emergency exists; therefore, this act shall be in force and take effect from and after its passage.

Approved April 27, 1901.

CHAPTER 94.

REVENUE.

(H. B. No. 1, by Mr. Montgomery.)

AN ACT

IN RELATION TO PUBLIC REVENUES, AND REPEALING ALL
PREVIOUS ACTS IN RELATION THERETO.*Be it Enacted by the General Assembly of the State of Colorado:*

Section 1. That for the support of the government Taxes levied.
of the state, and the payment of the public debt and the
advancement of public interest, taxes shall be levied as
hereinafter provided.

Sec. 2. All taxable property shall be listed and Property as-
valued each year, and shall be assessed at its full cash essed at full
value; land to be listed and valued separate and apart cash value.
from the personal property and improvements thereon.

Sec. 3. All taxes shall be levied for the fiscal year, Taxes levied
which shall end with November thirtieth. for fiscal year.
upon any real estate shall be a perpetual lien upon such Lien on real
real estate, until such taxes and any penalty, charges and estate.
interest which may accrue thereon shall be paid; and any Property
property, real, personal or mixed, which has by mistake omitted.
or oversight been omitted from the tax list, for any year
or years, shall be subject to assessment for all back taxes
properly chargeable thereon.

Sec. 4. No expense incurred in the assessment or Expense not
collection of taxes shall be paid by the state, except as paid by state.
otherwise provided herein.

Sec. 5. If the state treasurer or any county treas- State or county
urer shall directly or indirectly accept any auditor's war- treasurer not
rant, county order or other evidence of public indebted- use funds.

- ness, for less than the amount due thereon, and afterwards return the same at a greater sum than that for which he accepted such warrant, order or evidence of indebtedness, or shall loan out for private gain, or in any manner use for private purposes, any public funds in his hands, he shall be liable to a fine not exceeding ten thousand dollars.
- Penalty.**
- Fine collected.** Sec. 6. Every such fine may be collected by a civil action in the name of the state, county or municipality injured by such misfeasance, or by indictment or information; all such actions, informations and indictments to be prosecuted by the district attorney of the proper district.
- District attorney prosecute.**
- Officer not performing duties.** Sec. 7. Any officer who shall wilfully neglect or refuse to perform any of the duties imposed upon him by this act shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine or imprisonment; the fine not to exceed five thousand dollars, nor the imprisonment to exceed one year.
- Misdemeanor.**
- Penalty.**
- Records shall be evidence.** Sec. 8. The entries made in the county treasurer's books, the assessment rolls and the tax warrants, and the lists of land sold for taxes recorded by said treasurer or by the clerk of the county, or a certified copy thereof, shall be *prima facie* evidence of all things appearing therein, in all courts and places.
- Officer or deputy administer oath.** Sec. 9. Except as otherwise provided in this act, when any fact, matter or thing is required by this act to be verified by oath or affirmation, any assessor, treasurer or county clerk, or any deputy of either of said officers, may administer such oath or affirmation. The deputy need not certify the oath in the name of the principal.
- Taxes payable.** Sec. 10. All taxes shall be due and payable, one-half on or before the last day of February, and the remainder on or before the last day of July of the year following the one in which they were assessed. The treasurer shall receive the tax assessed against any person who may offer to pay the same, at any time after the tax warrant shall come into his hands.
- Treasurer receive money when offered.**

Sec. 11. In case the first installment of one-half of any tax is not paid prior to March first (1) in any year, then there shall be assessed against such installment a penalty of one per cent. for each month or fractional part thereof until paid, provided it is paid prior to August first, as provided by law. Penalty for non-payment of first installment.

Sec. 12. All penalties and interest accruing upon any tax (not including the cost of advertising) shall be distributed, when collected, between the state, the county and the various municipalities and districts, in or for which the tax is levied, in the same proportion as the tax. Penalties and interest distributed.

Sec. 13. Whenever the terms mentioned in this section are employed in this act, they are employed in the sense hereinafter affixed to them.

The term "real estate" includes, first, all lands or interest in lands within the state to which title or the right to title has been acquired from or ratified by the government of the United States, or from the state; "Real estate." Lands acquired from government. Provided, That all lands purchased under contract taken from the state shall, during the life of the contract, be taxed only on the amount paid, including the improvements thereon. Second, all mines, minerals and quarries in and under the land, and all rights and privileges appertaining thereto; Mines, minerals, etc. third, improvements. Improvements.

The term "improvements" includes all buildings, water rights, structures, fixtures, and fences erected upon or affixed to land, whether title has been acquired to said land or not. "Improvements."

The term "personal property" includes everything which is the subject of ownership, whether tangible or intangible, and not included within the term "real estate". "Personal property."

The term "credit" includes every claim and demand for money, labor or other valuable thing, and every annuity or sum of money receivable at stated periods; but pensions from the United States, and salaries and payments expected for services to be rendered, are not included in the above term. "Credit." Pensions and salaries excluded.

"Intangible property."

The term "intangible property" shall include rights, credits, franchises, special privileges and special advantages attendant upon or derivable under contract rights having a value for the purposes of income or sale of itself, or in connection with other property.

"Taxable property."

Sec. 14. Except where otherwise herein provided, the phrase "taxable property", as used in this act, includes real property, personal property, property that savors of both real and personal property, including rights and credits and all intangible property as defined in the preceding section; and for the purposes of taxation it shall make no difference that the possession, use or ownership of any such property is qualified, limited, not the subject of alienation, or the subject of levy or distraint separately for the particular tax derivable therefrom; Provided, That where any property is mortgaged, conveyed or pledged for the security of a loan or debt then owing, the said property and the notes, mortgage, deed of trust, trust deed, contract or other conveyance, shall be assessed as a unit, and as one and the same, and as of one value and as the value of said property so mortgaged, pledged or otherwise conveyed only, and any such notes, mortgages, deeds of trust, trust deeds, contract or conveyance, shall not be otherwise returned or assessed.

Qualified possession not a bar to taxation.

Property with mortgage assessed as unit.

All property subject to taxation.

Sec. 15. All property not expressly exempt by law shall be subject to taxation. The term "property" as used herein, shall be held to include both tangible and intangible property.

Money loaned by non-residents subject to taxation.

Sec. 16. The moneys of non-residents, kept and used, loaned and invested within the state for profit, shall be subject to taxation in like manner as the moneys, credits and effects of persons domiciled within the state.

Exemptions.

Sec. 17. The following classes of property shall be exempt from taxation, to wit:

Property of municipalities.

First—The property of the state, counties, cities, towns and other municipalities, and public libraries.

Second—Buildings used exclusively for religious worship, school worship, for schools or for strictly charitable purposes, or charity. with the grounds whereon the same are situated.

Third—Cemeteries not held or conducted for private Cemeteries. or corporate profit.

Fourth—The household goods of every head of a Household family, to the value of two hundred dollars. goods.

Fifth—Ditches, canals and flumes, owned and used Irrigating by individuals or corporations, exclusively for irrigating ditches, etc. not lands of such individuals or corporations, or the indi- separately taxed. vidual members of such corporations, shall not be separately taxed so long as they shall be owned and used exclusively for such purpose.

Sec. 18. The following fees shall be charged and Fees. collected for the purpose of state revenues, in addition to the fees now authorized by law: The clerk of the court In supreme of appeals and the clerk of the supreme court shall col- court and court lect from the appellant, plaintiff in error or other per- of appeals. son commencing a proceeding in either the supreme court or the court of appeals, the sum of five dollars; and from the appellee, defendant in error or respondent, the sum of five dollars; clerks of the district court, county judges and clerks of the county court upon the filing of each For filing civil and every civil and probate case, one dollar from the or probate case party filing the same, and one dollar from the defendant in district and county courts. when appearance is entered. No appearance shall be en- No appearance tered in any of the courts herein enumerated until the fee is paid. fees herein provided for shall be advanced and paid, and any writ issued without the payment of such fee in ad- Writ void vance shall be void. The clerks of the courts aforesaid unless clerks and county judges shall make returns to the treasurer of make returns to state at the end of each and every month, giving detailed statements and remitting the money in their hands. Said No compensa- officers shall be entitled to no compensation for collect- tion. ing and returning said fees. None of the fees herein Fees not re- provided for shall be recoverable by the successful party coverable. against the losing party in any event.

Sec. 19. If any of said officers shall wilfully fail to Failure to col- collect any such fees aforesaid, he shall be deemed guilty lect fees.

Misdemeanor. of a misdemeanor, and punished by a fine of not more than two hundred dollars and costs for each case in which he shall wilfully fail to collect any such fee, and if he shall be found guilty of wilfully persisting in refusing to collect said fees he shall, upon conviction, forfeit his office.

Penalty.

Additional license for sale of liquors. Sec. 20. Every person, company or corporation selling any malt, vinous or spirituous liquors shall, in addition to other license fee exacted by law, or by the ordinances of any municipality, pay to the state of Colorado an annual license fee of twenty-five dollars per annum in advance, for each and every saloon, restaurant, hotel, club, drug store, liquor store or other place where any said liquors shall be sold. The license aforesaid shall be issued by the treasurer of state, to whom the license fee aforesaid shall be paid; the said license to specify the date of issuance, the period which it covers, the name of the licensee, the place licensed, and that such license is issued subject to the ordinances of the city or town and to the regulations of the county on the subject, in which the place so licensed is located. Said license shall be conspicuously exposed at all times in the place thereby licensed; and all constables, sheriffs and police officers shall see to it that every such person, company and corporation within his jurisdiction has procured such license. Neither the county authorities of any county, nor the officers of any municipality, shall issue, transfer or renew any license to sell any malt, vinous or spirituous liquors until such person, company or corporation shall in the first instance produce a state license as provided herein, covering the whole period for which a license or a renewal or transfer thereof is asked from any such county or municipality; Provided, That, the said license may be transferable to successors in business.

State treasurer issue license and receive fee.

Specifications of license.

License posted.

Officers require license.

Authorities not issue license until state license is produced.

License transferable.

Misdemeanor to sell without license. Sec. 21. Any person, company or corporation selling any such liquors without a state license shall be deemed guilty of a misdemeanor for each and every day a sale is made without a license, and upon conviction shall be fined in the sum of one hundred dollars for each

Penalty.

offense; and for a second offense by persons, companies or corporations operating under a county or municipal license shall, in addition, forfeit the right to run or operate, under any such license in this state, and all county and municipal licenses deemed void and wholly without effect. It shall be the duty of the district attorney of each judicial district to prosecute all violations of this section, and every peace officer shall make complaint of all offenses under this section coming to his knowledge.

Second offense.

District attorney prosecute.

Peace officers complain.

Sec. 22. Upon each license, except marriage licenses, hereafter issued by any county clerk, in addition to the fees now prescribed by law, two dollars and fifty cents shall be paid by the party receiving the license. All such fees shall be accounted for and paid over to the treasurer of state, at the times and in the manner prescribed in the last preceding section. And the clerk shall return with each remittance of the said money an account of each license issued during the preceding calendar month, showing to whom and for what the license was issued.

Fee on licenses issued by county clerk.

Pay to treasurer.

Clerk return monthly account.

Sec. 23. All property, real, personal and mixed, which shall pass by will or by the intestate laws of this state from any person who may die seized or possessed of the same while a resident of this state; or if decedent was not a resident of this state at the time of his death, which property or any part thereof shall be within this state or any interest therein or income therefrom, which shall be transferred by deed, grant, sale or gift made in contemplation of the death of the grantor or bargainor or intended to take effect, in possession or enjoyment after such death, to any person or persons or to any body politic or corporate in trust or otherwise, or by reason whereof any person or body politic or corporate shall become beneficially entitled in possession or expectation to any property or income thereof, shall be, and is, subject to a tax at the rate hereinafter specified to be paid to the treasurer of the proper county for the use of the state, and all heirs, legatees and devisees, administrators, executors and trustees shall be liable for any and all such

Inherited property subject to tax.

**Tax on inter-
ests passing to
immediate
relative.**

**Estate under
\$5,000 exempt.**

**Tax on inter-
ests passing to
uncle, aunt, etc.**

**Tax on inter-
ests of other
devisees.**

**Estate under
\$500 exempt.**

**Life estate not
subject to tax.**

taxes until the same shall have been paid as hereinafter directed. When the beneficial interests to any property or income therefrom shall pass to or for the use of any father, mother, husband, wife, child, brother, sister, wife or widow of the son or the husband of the daughter, or any child or children adopted as such in conformity with the laws of the state of Colorado, or to any person to whom the deceased, for not less than ten years prior to death, stood in the acknowledged relation of a parent, or to any lineal descendant born in lawful wedlock, in every such case the rate of tax shall be two dollars on every hundred dollars of the clear market value of such property received by each person, and at and after the same rate for every less amount; Provided, That any estate which may be valued at a less sum than five thousand dollars shall not be subject to any such duty or taxes. When the beneficial interests to any property or income therefrom shall pass to or for the use of any uncle, aunt, niece, nephew or any lineal descendant of the same, in every such case the rate of such tax shall be three dollars on every one hundred dollars of the clear market value of such property received by each person. In all other cases the rate shall be as follows: On each and every hundred dollars of the clear market value of all property and at the same rate for any less amount; on all estates of ten thousand dollars and less, three dollars; on all estates of over ten thousand dollars and not exceeding twenty thousand dollars, four dollars; on all estates over twenty thousand dollars and not exceeding fifty thousand dollars, five dollars, and on all estates over fifty thousand dollars, six dollars; Provided, That an estate in the above case which may be valued at a less sum than five hundred dollars shall not be subject to any duty or tax.

Sec. 24. When any person shall bequeath or devise any property or interest therein or income therefrom to mother, father, husband, wife, brother, sister, the widow of the son, husband of the daughter, or a lineal descendant during the life or for a term of years and remainder to the collateral heir of the decedent, or to the stranger

in blood or to the body politic or corporate at their de-
 cease, or on the expiration of such term, the said life es-
 tate or estates for a term of years shall not be subject to
 any tax and the property so passing shall be appraised Property ap-
 praised after
 death of
 devisee. immediately after the death at what was the fair market
 value thereof at the time of the death of the decedent in
 the manner hereinafter provided, and after deducting
 therefrom the value of said life estate, or term of years, Estate less
 term subject to
 taxation. the tax prescribed by this act on the remainder shall be
 immediately due and payable to the treasurer of the
 proper county, and, together with the interest thereon,
 shall be and remain a lien on said property until the Lien on prop-
 erty. same is paid; Provided, That the person or persons or
 body politic or corporate beneficially interested in the
 property chargeable with said tax elect not to pay the Devises elect
 not to pay until
 in possession. same until they shall come into the actual possession or
 enjoyment of such property, then, in that case said person
 or persons or body politic or corporate shall give a bond Give bond.
 to the people of the state of Colorado in a penalty three
 times the amount of the tax arising upon such estate with
 such sureties as the county judge may approve, condi-
 tioned for the payment of the said tax, and interest
 thereon, at such time or period as they or their represen-
 tatives may come into the actual possession or enjoyment
 of said property, which bond shall be filed in the office of Filed with
 county clerk. the county clerk of the proper county; Provided, further,
 That such person shall make a full, verified return of said Devisee file ver-
 ified return. property to said county judge, and file the same in his
 office within one year from the death of the decedent, and
 within that period enter into such securities and renew
 the same each five years.

Sec. 25. All taxes imposed by this act, unless other- Taxes due at
 death of de-
 cedent. wise herein provided for, shall be due and payable at the
 death of the decedent, and interest at the rate of six per
 cent. per annum shall be charged and collected thereon
 for such time as said taxes are not paid; Provided, That if Interest after
 six months. said tax is paid within six months from the accruing
 thereof, interest shall not be charged or collected there-
 on, but a discount of five per cent. shall be allowed and

Executor give bond after one year.

Executor deduct tax from legacy or appraised value of property.

Not deliver until tax is collected.

Pay tax to county treasurer.
Lien on property.

Apply to court for apportionment.

Executor sell for tax.

deducted from said tax, and in all cases where the executors, administrators or trustees do not pay such tax within one year from the death of the decedent, they shall be required to give a bond in the form and to the effect prescribed in section twenty-four of this act for the payment of said tax, together with interest.

Sec. 26. Any administrator, executor or trustee having any charge or trust in legacies or property for distribution subject to the said tax shall deduct the tax therefrom, or if the legacy or property be not money he shall collect a tax thereon upon the appraised value thereof from the legatee or person entitled to such property, and he shall not deliver or be compelled to deliver any specific legacy or property subject to tax to any person until he shall have collected the tax thereon, and whenever any such legacy shall be charged upon or payable out of real estate, the executor, administrator or trustee, before paying the same shall deduct said tax therefrom and pay the same to the county treasurer for the use of the state, and the same shall remain a charge on such real estate until paid, and the payment thereof shall be enforced by the executor, administrator or trustee in the same manner that the said payment of said legacies might be enforced; if, however, such legacy be given in money to any person for a limited period, he shall retain the tax upon the whole amount, but if it be not in money, he shall make application to the court having jurisdiction of his accounts to make an apportionment, if the case requires it, of the sum to be paid into his hands by such legatees, and for such further order relative thereto as the case may require.

Sec. 27. All executors, administrators and trustees shall have full power to sell so much of the property of the decedent as will enable them to pay said tax, in the same manner as they may be enabled to do by law, for the payment of debts of their testators and intestates, and the amount of said tax shall be paid as hereinafter directed.

Sec. 28. Every sum of money retained by any executor, administrator or trustee, or paid into his hands for any tax on any property, shall be paid by him within thirty days thereafter to the treasurer of the proper county, and the said treasurer or treasurers shall give, and every executor, administrator or trustee shall take, duplicate receipts from him of said payments, one of which receipts he shall immediately send to the state treasurer, whose duty it shall be to charge the treasurer so receiving the tax with the amount thereof, and shall seal said receipt with the seal of his office and countersign the same and return it to the executor, administrator or trustee, whereupon it shall be a proper voucher in the settlement of his accounts, but the executor, administrator or trustee shall not be entitled to credit in his accounts or be discharged from liability for such tax unless he shall produce a receipt so sealed and countersigned by the treasurer and a copy thereof certified by him.

Executor pay to county treasurer.
Send duplicate receipt to state treasurer.
State treasurer seal and return as voucher.
Executor must produce receipt.

Sec. 29. Whenever any of the real estate of which any decedent may die seized shall pass to any body politic or corporate, or to any person or persons, or in trust for them, or some of them, it shall be the duty of the executor, administrator or trustee of such decedent to give information thereof in writing to the treasurer of the county where said real estate is situated, within six months after they undertake the execution of their duties, or if the fact be not known to them within that period, then within one month after the same shall have come to their knowledge.

Executor give location of property to county treasurer.
Time limit.

Sec. 30. Whenever debts shall be proved against the estate of the decedent after distribution of legacies from which the inheritance tax has been deducted in compliance with this act, and the legatee is required to refund any portion of the legacy, a due proportion of the said tax shall be repaid to him by the executor or administrator, if the said tax has not been paid into the state or county treasury, or by the county treasurer if it has been so paid.

Legatee required to refund proportion of newly proved debts.
Proportion of tax repaid.

Foreign executor transfer stocks, etc.

Pay tax to treasurer.
Corporation making transfer liable.

State treasurer correct error upon proof.

Application for repayment.

County judge appoint appraiser.

Duties of appraiser.
Notify claimants.

Subpoena witnesses.

Report value, etc., to county court.

Sec. 31. Whenever any foreign executor or administrator shall assign or transfer any stocks or loans in this state standing in the name of decedent, or in trust for decedent, which shall be liable to the said tax, such tax shall be paid to the treasury or treasurer of the proper county on the transfer thereof; otherwise the corporation making such transfer shall become liable to pay such taxes.

Sec. 32. When any amount of said tax shall have been paid erroneously to the state treasurer, it shall be lawful for him, on satisfactory proof rendered to him by said county treasurer of said erroneous payments, to refund and pay to the executor, administrator or trustee, person or persons, who have paid any such tax in error, the amount of such tax so paid; Provided, That all applications for the repayment of said tax shall be made within two years from the date of said payment.

Sec. 33. In order to fix the value of property of persons whose estate shall be subject to the payment of said tax, the county judge, on the application of any persons interested in the estate, including the state, or upon his own motion, shall appoint some competent person as appraiser as often as, or whenever occasion may require, whose duty it shall be forthwith to give such notice by mail to all persons known to have or claim an interest in such property, and to such persons as the county judge may by order direct, of the time and place at which he will appraise such property, and at such time and place to appraise the same at a fair market value, and for that purpose the appraiser is authorized by leave of the county judge to use subpoenas for and to compel the attendance of witnesses before him, and to take the evidence of such witnesses under oath concerning such property and the value thereof, and he shall make a report thereof and of such value in writing to the county court, with the depositions of the witnesses examined and such other facts in relation thereto, and to said matter as the county court may by order require to be filed in the office of the clerk of said county

court, and from this report the said county court shall forthwith make an order and fix the then cash value of all estate, annuities and life estates or terms of years growing out of said estate, and the tax to which the same is liable, and shall immediately give notice by mail to all parties known to be interested therein. Any person or persons dissatisfied with the appraisement or assessment may appeal therefrom to the district court of the proper county within sixty days after the making and filing of such appraisement or assessment, on giving good and sufficient security to the satisfaction of the county judge to pay all costs, together with whatever taxes that shall be fixed by the county court. The said appraiser shall be paid by the county treasurer out of any funds he may have in his hands on account of said tax, on the certificate of the county judge, at the rate of three dollars per day for every day actually and necessarily employed in said appraisement, together with his actual and necessary traveling expenses.

Sec. 34. Any appraiser appointed by this act who shall take any fees or reward from any executor, administrator, trustee, legatee, next of kin or heir of any decedent, or from any other person liable to pay said tax or any portion thereof, shall be guilty of a misdemeanor, and upon conviction in any court having jurisdiction of misdemeanors he shall be fined not less than two hundred and fifty dollars, nor more than five hundred dollars, and imprisoned not exceeding ninety days, and in addition thereto the county judge shall dismiss him from such service.

Sec. 35. The county court in the county in which the real property is situated, of the decedent who was not a resident of the state, or in the county of which the deceased was a resident at the time of his death, shall have jurisdiction to hear and determine all questions in relation to the tax arising under the provisions of this act, and the county court first acquiring jurisdiction hereunder shall retain the same to the exclusion of every other.

Court summons
persons inter-
ested.

Sec. 36. If it shall appear to the county court that any tax accruing under this act has not been paid according to law, it shall issue a summons summoning the persons interested in the property liable to the tax to appear before the court on a day certain not more than three months after the date of such summons, to show cause why said tax should not be paid. The process, practice and pleadings and the hearing and determination thereof, and the judgment in said court in such cases, shall be the same as those now provided or which may hereafter be provided in probate cases in the county courts in this state, and the fees and costs in such cases shall be the same as in probate cases in the county courts of this state.

Proceedings as
in probate
cases.

Treasurer
notify district
attorney of re-
fusal to pay.

District attor-
ney prosecute.

Sec. 37. Whenever the treasurer of any county shall have reason to believe that any tax is due and unpaid under this act, after the refusal or neglect of the person interested in the property liable to pay said tax to pay the same, he shall notify the district attorney of the proper county, in writing, of such refusal to pay said tax, and the district attorney so notified, if he has proper cause to believe a tax is due and unpaid, shall prosecute the proceeding in the county court in the proper county, as provided in section 36 of this act for the enforcement and collection of such tax, and in such case said court shall allow as costs in the said case such fees to said attorney as he may deem reasonable.

Costs.

Judge and clerk
make state-
ment to treas-
urer.

Sec. 38. The county judge and county clerk of each county shall, every three months, make a statement in writing to the county treasurer of the county of the property from which, or the party from whom, he has reason to believe a tax under this act is due and unpaid.

Treasurer pay
expenses for
service.

Sec. 39. Whenever the county judge of any county shall certify that there was probable cause for issuing a summons and taking the proceedings specified in section 36 of this act, the state treasurer shall pay or allow to the treasurer of any county all expenses incurred for service of summons and his other lawful disbursements that have not otherwise been paid.

Sec. 40. The treasurer of the state shall furnish to each county judge a book, in which he shall enter the returns made by appraisers, the cash value of annuities, life estates and terms of years and other property fixed by him, and the tax assessed thereon, and the amounts of any receipts for payments thereof filed with him, which book shall be kept in the office of the county judge as a public record.

Treasurer furnish book.
Judge enter returns of appraisers.
Keep as public record.

Sec. 41. The treasurer of each county shall collect and pay the state treasurer all taxes that may be due and payable under this act, who shall give him a receipt therefor, of which collection and payment he shall make a report under oath to the state auditor on the first Mondays in March and September of each year, stating for what estate paid, and in such form and containing such particulars as the auditor may prescribe, and for all said taxes collected by him and not paid to the state treasurer by the first day of October and April of each year, he shall pay interest at the rate of ten per cent. per annum.

County treasurer pay state treasurer.
Treasurer report to auditor semi-annually.
Interest.

Sec. 42. The treasurer of each county shall be allowed to retain two per cent. on all taxes paid and accounted for by him under this act, in full for his services in collecting and paying the same, to be taken as a part of his salary or fees now allowed by law, but not otherwise.

Treasurer retain two per cent as fee.

Sec. 43. Any person, or body politic or corporate, shall, upon the payment of the sum of fifty cents, be entitled to a receipt from the county treasurer of any county or the copy of the receipt, at his option, that may have been given by said treasurer for the payment of any tax under this act, to be sealed with the seal of his office, which receipt shall designate on what real property, if any, of which any deceased may have died seized, said tax has been paid and by whom paid, and whether or not it is in full of said tax, and said receipt may be recorded in the clerk's office of said county in which the property may be situated, in the book to be kept by said clerk for such purpose.

County treasurer give copy of receipt.
Fee.
Recitals in receipt.
Receipt be recorded.

Lien continue until satisfaction.

Sued within five years.

Assessor give bond.

Sureties. Approved by auditor.

Principal and sureties liable.

Sureties justify.

Joint and several liability.

Attorney general bring suit.

Time.

Assessor include cost of bond in expenses.

The lien of the inheritance tax provided herein shall continue until the said tax is settled and satisfied; Provided, That said lien shall be limited to the property chargeable therewith; and Provided further, That all inheritance taxes shall be sued for within five years after they are due and legally demandable; otherwise they shall be presumed to be paid and cease to be a lien as against any purchasers of real estate.

Sec. 44. Every assessor in this state, before entering upon the duties of his office and as part of his qualification therefor, shall give a separate official bond to the state of Colorado, in a penalty equal to one-tenth of one per cent. upon the value of the taxable property of the county, according to the last previous assessment, with one or more good and sufficient sureties, to be approved by the auditor of state, conditioned for the performance by the assessor of all statutory duties, and that if the assessor, who shall subscribe said bond as principal, shall wilfully fail to assess the taxable property of his county, as defined by this act, and at the full cash value thereof, in strict conformity with the laws of this state, then the principal and sureties in said bond shall pay the state of Colorado the full amount of the loss so suffered by the state, or which it must necessarily suffer, in consequence of such wilful failure of said assessor. The sureties on said bond shall justify before some officer authorized by law to administer oaths, in double the penalty of the bond. The liability on such official bond shall be joint and several, and the attorney general is authorized and required to bring suit thereon in the name of the people of the state whenever it shall be made to appear to him from any source that there is a breach of the conditions contained in said bond. The action may be brought and shall be maintainable at any time after the assessment roll is filed with the county treasurer, and produced to the auditor of state, as hereby required; Provided, That the assessor may include as a part of the lawful expenses of executing and performing the duties of his office such a reasonable sum paid a surety company, authorized un-

der the laws of this state so to do, for becoming his security on such bond or obligation.

In case the amount of such bond or obligation does not exceed the sum of fifty thousand dollars, the cost or expense of furnishing such bond or obligation shall not exceed one-half of one per cent. per annum on the amount thereof. In case the amount of such bond or obligation shall exceed fifty thousand dollars, then the cost of furnishing such bond or obligation shall not exceed one-half of one per cent. on fifty thousand dollars of said amount, and shall not exceed one-quarter of one per cent. of the amount thereof in excess of said fifty thousand dollars; Provided, That, such sum paid such surety company shall be repaid to each assessor by the treasurer of the county, and deducted from any funds in his hands belonging to the state.

Cost of bond under \$50,000.

Cost of bond over \$50,000.

Treasurer repay assessor.

Sec. 45. On the first day of January in each year, or as soon thereafter as practicable, the assessor or his deputy shall call upon each inhabitant of his county, at the residence or place of business of such inhabitant, and deliver or leave for him or her the proper blanks for the return of the property of such inhabitant for assessment.

Assessor leave blanks for return of property.

If any inhabitant be not found, the assessor shall leave such blank form of schedule at the office or residence of such inhabitant, or transmit the same to him by mail; and shall mail such blanks to each property owner not a resident of the county, whose residence is known to him. The assessor shall also leave or transmit such additional number of the said blanks as may be necessary in any case to enable every such inhabitant to list separately the property of any non-resident, or other person, controlled by him. Every such inhabitant shall make and deliver to the assessor, between the first day of May and the twentieth day of June in each year, a full and correct schedule and description upon the blanks furnished as aforesaid, of all the personal property of which such person was the owner on the first day of May of the current year. Every such inhabitant shall also at the same time make a separate, true and full description and return, in

Mail blanks to non-resident.

Leave or transmit additional blank.

Inhabitant deliver schedule of personal property owned or controlled.

like manner, upon the blank forms furnished as aforesaid, of all the personal property held, possessed or controlled by him as executor or administrator of any deceased person, guardian of any infant, or as a trustee, receiver, partner, or as the agent of any non-resident or other person, or as the president or other officer of any corporation, or in any representative or fiduciary capacity whatsoever. In every such schedule and description the person making the same shall set down the full cash value of each item of the property therein mentioned, for the guidance of the assessor. But the assessor shall determine for himself the value of each item after an examination of the schedule. If husband and wife do not make separate schedules, the one returning the schedule shall set down the taxable property of the other.

Property held
in fiduciary
capacity.

Full cash value.

Assessor revise.

Husband or
wife return for
other.

Assessor ex-
amine under
oath.

Sec. 46. The assessor may also, in his discretion, examine under oath the party making any schedule at the usual place of business of such party, or, if he has no place of business, then at his residence, and may require such party then and there to answer such questions as may be propounded to him touching the matters set forth in his said schedule, and in relation to his taxable property or liability to taxation within said county.

Owner describe
real estate.

List mining
claim by name
and number.

Sec. 47. Every such inhabitant making any such schedule shall set down therein all real estate situate within the county by him owned or controlled on the first day of May, of the then current year, describing the same by section or part of section, township and range, or where such part of section is not a legal subdivision, by some other description sufficient to identify the same, and his town lots, naming the town or city in which the same are situate, and the proper description thereof by number of lot and block or otherwise, according to the system of numbering or description in such town or city. Mining claims shall be listed by the name of the lode or placer, and the mining district; where any such mining claim has been entered in the land office of the United States the survey number shall also be set down.

Sec. 48. For the purpose of the assessment of its property and the collection of taxes thereon, a co-partnership shall be treated as an individual; and whenever the name of the owner or occupant of property is required to be entered upon the assessment list, if such property is owned or occupied by a co-partnership, the firm name may be used. Every co-partnership shall be deemed to reside in the town or city in each county where its business is carried on in that county. Each partner shall be liable for the whole tax assessed against the partnership property.

Co-partnership treated as individual.
Firm name used.
Business place deemed to be residence.
Each partner liable.

Sec. 49. If any inhabitant of any county shall refuse to submit to examination by the assessor of such county or any deputy of such assessor touching his taxable property, or shall refuse to answer any proper question touching any such matter propounded by the assessor of the county, or any deputy of such assessor, every person so offending shall, in the discretion of the county or district court of the proper county, or the judge of either of the said courts, upon affidavit of the assessor or his deputy showing such refusal to submit to such examination or to answer such question or questions, be cited before such court or the judge thereof, and shall be required by the court thereto [there to] submit to examination by said assessor or his deputy touching the taxable property of such person, and the necessary information to enable the said assessor to assess the same and all costs of such proceedings shall be by the court taxed against such inhabitant, and judgment and execution shall be entered therefor as in other civil cases.

Refusal to submit to examination.
Assessor make affidavit.
Court require examination.
Costs taxed against individual.

Sec. 50. In ascertaining the amount of moneys of any taxpayer, or the moneys by such taxpayer invested in merchandise or in manufactures, the assessor shall ascertain the average amount during the fiscal year for which the tax is to be levied; and the average amount of such moneys and the average value of such merchandise or manufactures during twelve months ending with the 30th day of April of such fiscal year shall be taken as a true measure of the average amount of moneys and the value

Assessor average moneys or merchandise.

of such moneys invested in merchandise or manufactures for such fiscal year.

List and average moneys or moneys invested in merchandise.

Sec. 51. In listing the moneys, credits and moneys invested in merchandise or manufactures, the person making the list shall state the average of such money and credits and the average value of money invested in such merchandise or manufactures, during each calender [calendar] month of the year ending with the thirtieth day of April of the then current year. If he has not been a resident of the county or has not been engaged in the business of merchandising so long, then he shall take the average during such time as he may have been so resident or engaged; and if he be commencing, he shall take the amount of money or value of the property on hand at the time of listing. Any person who purchases, receives or holds personal property of any description for the purpose of adding to the value thereof by any process of manufacturing, reducing, extracting, refining, purifying, or by the combination of different materials with a view of making a gain or profit by so doing and by selling the same, shall be held to be a manufacturer for the purpose of assessment and collection of taxes, and he shall list for taxation the average value of such property in his hands, estimated as merchants are directed by the preceding section to estimate the amount invested in merchandise.

Manufacturer list and average value of property.

Give aggregate value of notes, etc.

Sec. 52. In listing the credits, the person making the list shall set down the aggregate cash value of all promissory notes, bonds, debentures or other written evidences of indebtedness. In stating the amount due him upon book accounts or other accounts not evidenced by writing he shall set down the aggregate cash value thereof.

Book accounts.

Sec. 53. The schedule shall have subjoined thereto the following interrogatories:

INTERROGATORIES.

Interrogatories.

1. Are you, or were you, on the first day of the present year, or at any time during the year last past

the executor of the last will or the administrator of the estate of any deceased person, or guardian of any infant, or conservator of any person of unsound mind, or the trustee of the property of any person, or the receiver of any corporation, association, firm or individual, or the agent or attorney of any banker investing, loaning or otherwise controlling the money or other property of any other person residing in this state or elsewhere, or the president or accounting officer of any corporation, or a partner, consignee or pawnbroker? If yea, state for what decedent you were acting as administrator or executor, or for what infant or person you were acting as guardian or conservator, or for what estate, person or corporation you were acting as trustee or receiver, agent or attorney, or for what estate, person or corporation you were acting as trustee or receiver, agent or attorney, or for what estate, person or corporation you were investing, loaning or controlling money or property, or acting as president or accounting officer. Give the time for which you were so acting and under authority of what court, if any, you were acting.

Property held
in fiduciary ca-
pacity.

Name of person.

Length of trust.

Answer.
.....
.....

2. Did you, during the twelve months ending with the 30th day of April, of the present year, either personally or through agency of others, within or without this state, invest any money or cause any share or part of your money or other property to be invested in bonds, treasury notes or other securities of the United States, not taxable, or other property not taxable, or convert by sale, bargain, exchange or in any other manner whatsoever, any of your moneys or other properties, in such bonds, treasury notes or other securities of the United States not taxable? If so, give the date and amount of such investment and conversion; and if you afterwards caused such bonds, treasury notes, securities or other non-taxable property to be sold or exchanged, give the date of such sale or exchange, and state what you re-

Investment in
bonds and
securities.

Date and
amount.

ceived for such bonds, treasury notes or other securities of the United States or other non-taxable property.

Answer.

There shall also be subjoined to the said schedule the oath of the taxpayer returning the same, as follows:

OATH.

State of Colorado, County of....., ss.:

Oath subjoined.

I,, being duly sworn, say that to the best of my knowledge, information and belief, the foregoing schedule contains a true, full and complete list of all property held by or belonging to me on the first day of May of this year, including all moneys due me and the particular sums due me on that date, the average amount of money on hand and the average value which I held in merchandise or manufactures during each calender [calendar] month of the year ending on the 30th. day of April last past, whether on hand or owned by me, and all intangible property, whether having a value by itself or in connection with other property; that such property has been by me fully and fairly described to the assessor and its true condition and value represented. That I have in no case sought to mislead the assessor as to either quantity, quality or value of property, and that the deductions claimed from credits are BONA FIDE debts for a consideration received, and do not consist in any part in bonds, notes or obligations of any kind given to any insurance company on account of premiums on policies, or on account of any unpaid subscriptions to any literary, scientific, charitable or other like institution or society, or on account of any subscription due or indebtedness payable on capital stock in any company, whether incorporated or unincorporated, or on account of any obligation signed by me as surety for another; and I further swear that since the first day of May of last year I have not, directly or indirectly, converted or exchanged any of my property, temporarily,

into bonds, treasury notes or other securities [securities] of the United States, or into other non-taxable property or securities [securities] of any kind, save as in said schedule set forth. I further swear that I have, to the best of my knowledge and belief, valued said property at its full cash value.

.....

Subscribed and sworn to before me this..... day of.....A. D. 19.....

.....assessor

By..... deputy

Sec 54. On or before the first day of December in each year the auditor of state shall prescribe the form of the schedule of taxable property, to be returned by the several taxpayers, whether by individuals acting in their own right, or in any representative capacity, co-partnerships or corporations or otherwise, and shall set down, at length and in detail, a specific description of each species of taxable property, real and personal, tangible and intangible, and such further interrogatories as shall, when responded to, afford full information as to the taxable property owned or controlled by the person returning the list, and may require other matters of fact to be set down in the oath to be appended thereto in addition to those hereinabove prescribed, and shall cause the same to be printed and transmitted to the assessor of each county. The county commissioners of each county shall cause a sufficient number of the schedules, according to the said forms, to be printed for the use of the assessor of the county. Every assessor shall require from each person liable to pay taxes a return as to each of the items set down in the form of schedule so prescribed by the auditor, and no assessor shall omit from the printed blank of schedules by him to be delivered to the several taxpayers of the county any item so prescribed by the auditor.

Auditor pre-
scribe form of
schedule.

Contents.

Print and trans-
mit to assessor.

Commissioners
print for use.

Assessor re-
quire return.

Deduct debts. **Sec. 55.** In stating the amount of the credits held by him, the person making such schedule may deduct therefrom the amount of all debts by him at the time due and owing, but not including any liability to any insurance company for premiums on policies, or on account of any subscription to any literary, scientific, charitable or other like institution or society, or on account of any subscription due or indebtedness payable upon or for the capital stock of any company, whether incorporated or unincorporated, or for the purchase of any bonds, treasury notes or other securities of the United States not taxable, or other exempt property, or for or on account of any obligation signed by such party as surety for another, nor any acknowledgment of indebtedness not founded on actual consideration, or made for the purpose of being so deducted; and the party making such return and demanding any abatement upon credits, by reason of any indebtedness, shall set down in a separate statement all liabilities in respect whereof a deduction is claimed.

Not include liability to insurance company, subscriptions.

Exempt property.

Make separate statement of liabilities.

Sec. 56. The statement of indebtedness in respect whereof a deduction is claimed, required by the preceding section, shall be substantially in the following form:

Form of statement of indebtedness. Statement of indebtedness of..... in the county of.....and state of Colorado during the year ending with the 30th day of April, A. D. 19...., for which a deduction is claimed from the taxable credits of said.....for the current year:

(Here shall be set down a particular statement of the said indebtedness, showing with particularity each person to whom any such sum is payable, the residence of such person, when the same accrued, on what account, and the amount thereof.)

State of Colorado, County of....., ss.

Oath. , being duly sworn, says on oath: The above is a true statement of my indebtedness during the year ending with the 30th day of April,

A. D. 19. . . . , wherein I claim a deduction from my credits in my assessment for taxation for the current year.

Everything set down in said statement is true, and none of the items of indebtedness therein set down accrued for or on account of any bond, note or obligation or liability of any kind to any insurance company for any premium on any policy of insurance, or on account of any unpaid subscription to any literary, scientific, charitable or other like institution or society, or on account of any subscription due or indebtedness payable on the capital stock of any company, incorporated or unincorporated, or for the purchase of any bonds, treasury notes or other securities of the United States, not taxable, or other exempt property or any obligation subscribed by me as surety for another, nor any acknowledgment of indebtedness not founded on actual consideration, nor any acknowledgment of indebtedness made for the purpose of being do [so] deducted.

Subscribed and sworn to before me this..... day ofA. D. 19....

.....

Assessor.

Every such statement of indebtedness shall be filed and preserved by the assessor in his office in alphabetical order, and the same shall not be exhibited or read to any person or disclosed by the assessor, unless thereunto required by the grand jury of the county, or by the order of the proper district court having jurisdiction to punish offenses under this act.

Assessor file and preserve statement.
Not exhibit unless required by grand jury.

If any assessor shall violate any of the provisions of this section, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars nor more than five hundred dollars, and he and his sureties shall be liable in civil damages to any person aggrieved by his misconduct.

Violation.
Misdemeanor.
Penalty.

Sec. 57. The party making return of such schedule shall make answer to each and every interrogatory therein, and make return upon each and every item set

Party answer every interrogatory.

forth in said schedule and whenever he has no property to assess, as named in any item, then he shall write the word "none" after the same, and no item shall be passed without being answered.

Sec. 58. If the party making such return shall own, control or hold any kind or character of property, not specifically mentioned in the blank form of the schedule, then he shall give the total value of such property under the item "all other property not herein above specifically enumerated," and such designation of such other property shall be held a sufficient description thereof for the purposes of taxation, without further enumeration or description.

Describe property not included in schedule.

He shall, however, be required to disclose to the assessor, for the purposes of aiding the said assessor in arriving at its full value, of what said property consists, and of its uses in detail.

Give detail if required by answer.

Sec. 59. If any person shall claim an exemption from taxation on account of moneys invested in the bonds or other securities of the United States or other non-taxable evidences of debt, he shall state in his schedule the series and numbers of all such bonds or other securities, the amount of the principal thereof, severally, and the time of purchase thereof, and exhibit such bonds, securities or other non-taxable evidences of debt to the assessor; and if it shall appear that any person has invested moneys in such non-taxable securities or evidences of debt for the mere purpose of evading taxes under the laws of this state, and has, after return of his schedule, disposed of such non-taxable securities, the assessor (or the treasurer, if the tax warrant has been delivered to him) shall cause all such moneys to be listed and taxed to such taxpayer, notwithstanding such temporary investment thereof.

Give description of non-taxable holdings.

Assessor list if evasion seems evident.

Assessor or treasurer require additional return.

Sec. 60. The assessor, or, if the tax list and warrant has been issued, the treasurer, may at any time, if it can be shown that any person has invested any moneys in non-taxable securities for the purpose of evading taxes

thereon under the laws of the state, require an additional return from such person [person], setting forth and showing his moneys and credits and showing particularly what bonds or securities of the United States or other non-taxable evidences of debt he has on hand, and may require exhibition of such non-taxable securities. Exhibition of securities.

Sec. 61. Whenever the party so making return shall be the owner or holder or have the control of any business or business plant, that by reason of special privileges or franchises held in connection therewith shall have a value as an entirety in excess of the separate value of the tangible property, such special privileges, franchises and the like shall be classed as intangible property, and assessed in connection with the tangible property, as a unit. Franchises classed as intangible property.

Sec. 62. In determining the true value of taxable property, except as otherwise provided in this act, the market value shall be the guide. As to all classes or items of property in respect to which it can not be fairly said to have a market value, the price it would bring at a fair voluntary sale thereof, the value of the use thereof, and the capability of use, together with any other just method of determination, may be considered by the assessor. Except as herein otherwise provided in determining the value of taxable property in this state, of corporations, foreign and domestic, the value of the capital stock and bonds of each corporation shall be received and considered, and shall be competent evidence of the value of the entire plant of such corporation, but other evidence may be received and considered. If there is no market value of the stock, then what it would bring at a fair voluntary sale, the value of the use of the property and the capability of use shall be considered, with other evidence. If neither of the foregoing methods are applicable to any given profit-producing unit, corporate plant or property, then the cost of duplication or other just means, may be resorted to. This section shall control the state board of equalization as well as the county assessors. Where corporate property is so assessed as a unit, except where otherwise specially provided for in Market value a guide.
Price at voluntary sale considered.
Capital stock taken as value of property.
Voluntary sale.
Cost of duplication considered.

Corporation
 realty assessed
 as for individ-
 ual.
 Not apply to
 mines.

this act, the value of its real estate in this state and the value of its property beyond the limits of this state, if any, shall be deducted, and such realty in this state, shall be assessed by the assessors in every respect as though owned by individuals or natural persons. Provided, however, that this section shall not be held to apply to the assessment of mines or mining claims bearing gold, silver, lead, copper or other precious metals and possessing [possessory] rights therein, but the same shall be assessed under the provisions of sections 82, 83, 84 and 85 of this act whether the same shall be owned by a corporation or not.

Rights of way,
 franchises, etc.,
 of corporation.

Business valued
 as a unit.

Doing business
 in two or more
 counties.

Sec. 63. In arriving at the value of the property owned by any corporation, foreign or domestic, not only its tangible property, whether it be within the state, or partly within and partly without this state, shall be looked to be [by] the assessor and state board of equalization, but its intangible property, such as special privileges, rights of way, franchises, contract, [contracts] rights and obligations shall be considered, that is to say: The entire business, plant or enterprise, of such corporation shall be valued as a unit, and every element, subject or consideration wherein the use is in inseparable combination with a whole, of which it forms a part, and which gives to the corporation property an added value for the purposes of income or sale, shall be considered in fixing the value for taxable purposes. Nothing herein contained shall be deemed to interfere with the provision of this act relating to the assessment and taxation of the properties of corporations doing business in two or more counties.

Assessor re-
 quire informa-
 tion under oath.

Sec. 64. For the purpose of arriving at the total value of any business, plant or enterprise, and of the intangible property [property] to be assessed, the assessor shall require the party making such return to or any other persons give information under oath as to the total value of said business, and any other information that such assessor may deem necessary to enable him to arrive at the value of the plant as a whole. In case of failure or re-

Refusal to make return.
 Refusal of the party making such return to give to the assessor such information as may be required, such assessor may, upon petition to the county or district court or the judge thereof, setting forth the refusal of said party or his failure, as the case may be, to answer questions propounded, cause said party to be cited to appear before said court or judge, and there be examined at length as Court examine to all matters required in arriving at a proper value of party. said plant or business, and said court or judge shall have full power to punish, as a contempt, any failure to in Contempt. such case give the required information.

Sec. 65. Whenever any corporation other than those Real and personal property of corporations taxed where situated.
 which are required to be assessed by the state board of assessors shall be carrying on business in two or more counties of the state, the real and personal estate of such corporations, other than the moneys and credits, shall be taxed in the county where the same are. The intangible Intangible property determined by county holding greatest value.
 property (as hereinbefore defined) and all moneys and credits of such corporations shall be determined and assessed in accordance with the provisions of this act by the assessor of that county in which is located the largest amount of the real and personal estate of such corporation, as shown by the assessment rates [rolls] for the year last preceding of the counties in which such corporation has real and personal property, and to determine which county contains such largest amount of the real and personal estate of such corporation it shall be the duty of such corporation to send annually, between January 1st and January 15th to the assessor of each county in which such corporation has real and personal estate an abstract showing by counties the assessment of its real and personal estate for the year last preceding. The Corporation send each county abstract of assessment.
 assessor of that county shown to have, according to such statement, the largest amount of the real and personal estate of such corporation within any one county, shall assess the moneys and credits and intangible property Assessor apportion to each county.
 (as hereinbefore defined) of such corporation, apportioning, however, to each county in which such corporation has real and personal estate, as shown by the above state-

ment, such ratable proportion of such moneys and credits and of such intangible property, determined by such assessor, as the real and personal estate of such corporation within each such county bears to the full assessed valuation of all such corporation's real and personal estate, and it shall be the duty of such assessor determining and apportioning the moneys and credits and intangible property (as hereinbefore defined) of such corporation, to certify to the assessors of each county entitled to a proportion thereof, as above defined, the ratable proportion of such moneys and credits, and of such intangible property as each such county may be entitled to hereunder. And the assessor determining, assessing and apportioning, such moneys and credits, shall have authority to require from such corporation such facts and statements as he may deem necessary for the performance of the duties prescribed by this section.

Certify to each county its ratable proportion.

Assessor require information.

Property beyond limits of state deducted.

Property assessed by state board deducted.

Ratable proportion of intangible property deducted.

Corporation return certified copy from assessor of other county where doing business.

Sec. 66. If any such corporation is doing business in any foreign state or territory, or is possessed of tangible property in any foreign state or territory, or of privileges or franchises exercisable only in such foreign state or territory, or if any such corporation owns any property assessable by the State board of assessors, the value of such property, tangible and intangible, beyond the limits of this state, and the property assessed by the state board of assessors shall also be deducted from the total value of the property of the corporation, in order to ascertain the value of its intangible property. A ratable proportion of the value of the intangible property so ascertained in proportion to the value of the property situate in any other state or territory shall also be deducted, to determine the share of the intangible property of such corporation taxable in this state.

Sec. 67. It shall be the duty of every such corporation doing business in two or more counties, to cause to be returned to the assessor who is required by section 65 to assess the intangible property of such corporation a certified copy from the assessor of each other county wherein its business is carried on, forthwith after the

completion of the assessment roll in such county, a certified copy of such roll so far as the same relates to the properties of said corporation in such counties, respectively; and the assessor of each county wherein any property of such corporation are [is] situate, shall on request as soon as the assessment roll of the said county is completed, make and certify a copy thereof so far as the same relates to the properties of any such corporation, and transmit the same to the treasurer of the county the assessor of which is required by section 65 to assess the intangible property of such corporation. Such assessor shall be entitled for such copy to the same fees as are or may be allowed by law to the county clerk for certifying a copy of the record of a conveyance of land, and his fees, unless paid by the corporation, shall be added to the tax in his county and collected therewith.

Certify to treasurer.
Assessor entitled to fees.
Fees added to tax.

Sec. 68. The value of the properties of any such corporation situate beyond the limits of the state must be ascertained and determined by the assessor required by section 65 to assess the intangible property of such corporation by the examination of the officers of such corporation and other witnesses, and by resort to such other means of information as may be accessible.

Assessor learn value of outside property.

Sec. 69. The tax upon the intangible property of every such corporation shall be a lien upon the tangible property of such corporation wheresoever situate, and if any such tax is not paid when the same ought to be paid, the treasurer of the county where the same was assessed shall certify a copy of the tax warrant in his hands, so far as the same relates to such corporation, to the treasurer of any county where any of the tangible property of such corporation shall be situate, and the treasurer of the last named county shall collect the said tax in the same manner and with like effect as if the same were set down in the tax warrant of that county in his hands. Upon payment or collection of the said tax or any part thereof by the treasurer of any such county, the same shall be forthwith returned to the treasurer of

Tax on intangible property
lien on tangible property.
Treasurer certify copy of tax warrant to county where tangible property is located.
Treasurer collect.
Make return.

Share fees.

the county where the tax was levied, and such treasurers shall equally divide the fees for the collection of said tax.

Corporation annually deliver to assessor additional items.

Sec. 70 Every corporation, save those whose property is to be assessed by the state board of assessors as herein provided, shall except as otherwise provided in this act, in addition to the other property required by this act to be listed, make out and deliver annually to the assessor of the county where its principal office is kept, its schedule and sworn statement setting forth particularly,

Name and location.

First—The name and location of the company or association.

Capital stock and number of shares.

Second—The amount of the capital stock thereof, as authorized by the charter or articles of association, and the number of shares into which such capital stock is divided.

Stock paid in and outstanding bonds.

Third—The amount of capital stock paid in, and the amount of its bonds outstanding, if any.

Value.

Fourth—The market value of such stock and bonds, or, if the same be without market value, then the actual value thereof.

Indebtedness.

Fifth—The total indebtedness of such corporation, except indebtedness for current expenses, excluding from said expenses the amount paid for the purchase or improvement of property.

Value and location of property.

Sixth—The value and location of all its property.

Annual gross earnings.

Seventh—The gross earnings of such corporation during the twelve months ending with the 30th day of April next preceding.

Annual net earnings.

Eighth—The net earnings of said corporation during the same period.

Actual value.

Ninth—The difference in value between all tangible property and the capital stock, and the mortgage or bonded indebtedness.

Franchises and privileges.

Tenth—The name and particular description of each franchise or privilege owned or enjoyed by such corporation, and the value thereof.

Such schedule shall be made in conformity to such Auditor pre-instructions and forms as may be prescribed by the auditor of state, and the auditor shall prescribe and deliver to each county assessor such forms, together with the blank forms for such returns of corporation stock and properties, as hereinbefore prescribed. Every such return shall be sworn to by the president or other proper accounting officer of the corporation.

In case any corporation shall wilfully fail or refuse to make such report and return, such corporation shall forfeit and pay the sum of one hundred dollars, and one hundred dollars in addition thereto for each day during which such report is delayed beyond the first day of June, to be sued for and recovered in any proper form of action, in the name of the people of the State of Colorado on the relation of the board of county commissioners of the proper county. Such penalty, when collected, shall be paid into the County treasury, and it shall be the duty of the board of county commissioners of the county to enforce the provisions of this section.

[Sec.] 70. A. In addition to all other fees and taxes now provided for by law, every corporation which has heretofore obtained, or which shall hereafter obtain, a charter or certificate of incorporation from this state, and having a capital stock of \$10,000.00 or over, shall pay, on or before the first day of May of each year, or at the time of obtaining such charter or certificate of incorporation, and on or before the first day of May of each year thereafter, as the case may be, an annual state corporation license tax to the auditor of the State of Colorado, as follows:

Five cents upon each one thousand dollars of its capital stock; Provided, No company shall pay over \$1,000 as such tax in any one year.

[Sec.] 70. B. Every foreign corporation which has heretofore obtained, or which shall hereafter obtain, the right and privilege to transact and carry on business within the limits of the State of Colorado, shall, in addition to

the fees and taxes now provided for by law, and as a condition precedent to its right to do any business within the limits of this state, pay annually, on or before the first day of May of each year, or at the time of obtaining such right or privilege, and on or before the first day of May of each year thereafter, as the case may be, to the auditor of the state of Colorado, a state license tax as follows:

Amount.

Ten cents upon each one thousand dollars of its capital stock; Provided, No company shall pay over \$1,000 as such tax in any one year.

**Failure to pay
tax forfeits
right to do
business.**

[Sec.] 70—C. Every corporation which shall have failed to pay the tax provided for in sections 70—A and 70—B, shall, by reason of such failure, forfeit its right to do business within the limits of this state until such tax is paid, and shall be absolutely and wholly deprived of all such rights and privileges, and the fact of such failure may be pleaded and maintained as an absolute defense to any and all actions, suits or proceedings, in law or in equity, brought or maintained by or on behalf of such corporation, in any court of competent jurisdiction within the limits of this state, until such tax is paid.

**Pleaded as
defense.**

**Auditor notify
corporation
liable.**

[Sec.] 70—D. It shall be the duty of the state auditor, immediately on the passage of this act and on or before the first day of February annually hereafter in each year, to notify every corporation liable to tax hereunder, of the time of payment of such tax, and such notice shall contain a copy of this section and of sections 70—A, 70—B and 70—C.

**Auditor publish
annual for-
feitures.**

[Sec.] 70—E. It shall be the duty of the state auditor within thirty days after the first day of every May, to publish, in two newspapers of general circulation, one of which must be published at the seat of government, and the other in the city of Pueblo, a list of all such corporations as have forfeited their charters or their right to be [do] business within the state of Colorado, under the provisions of the foregoing sections, within the year preceding, and any such corporation which shall, within sixty days after such publication, pay to the auditor the tax payable on or before the first day of May of that year,

and five dollars in addition thereto, shall thereupon be relieved from the forfeiture of its charter or right to do business within the said state, by reason of such failure. Corporation relieved from forfeiture.

Nothing in sections 70—A, 70—B, 70—C and 70—D shall be construed as imposing a license tax upon corporations chartered strictly for educational, literary, scientific, religious or charitable purposes, or ditch or irrigation corporations whose property is exempt by law from taxation, or upon charters incorporating Masonic lodges, Odd Fellows' lodges, or other fraternal or benevolent societies. Not apply to corporations not for profit.

The auditor of the state shall, within thirty days after the receipt of any moneys collected by him under the foregoing sections, pay the same into the general treasury of the state, and shall take, at the time of such payment, a receipt or receipts from the state treasurer, showing upon its face the exact amount of such moneys paid to said treasurer, and on what account and from what source the same was derived. The fees provided for in 70—A and 70—B are in addition to the other fees and taxes provided by law. Auditor pay to treasurer. Take receipts as to source. Fees.

Sec. 71. If any assessor shall receive and accept the schedule of any person not made, sworn or affirmed to and perfected in the manner hereinbefore prescribed, he shall, for each list so received and accepted by him contrary to this act, forfeit the sum of twenty-five dollars, to be deducted from his compensation by the county commissioners, or to be collected by suit brought upon his official bond. Assessor accept imperfect schedule. Penalty.

Sec. 72. Any person who has or claims to have an undivided interest in lands, or any lien upon any parcel or tract of land, or any inchoate interest, possessory interest, equitable or other estate less than the fee, may specify in his schedule such undivided share, estate or interest, for the assessment of taxes thereon, in like manner and with like effect as estates of entireties or estates in fee simple are required to be specified in the schedule; and all such undivided estates, shares or in- Undivided interests scheduled same as entireties.

Assessed, advertised, sold and redeemed in like manner.

Redeemed for ratable share.

Personal property listed from location on May 1.

Individual return blanks even if holding no assessable property.

Failure to return perfect list.

Misdemeanor.

Penalty.

Commissioners recover.

Assessor report to district attorney.

terests, and such liens and inchoate estates so specified, shall be assessed and advertised for sale and sold for the non-payment of any tax assessed thereon, and redeemed from such sale in like manner and with like effect as estates in fee and entireties are assessed, advertised, sold and redeemed from sales for taxes, in the manner provided by law. An undivided interest may be redeemed upon payment of a ratable share of the sum required to redeem the whole, even though the whole shall have been sold.

Sec. 73. Except as otherwise provided herein, personal property shall be listed and assessed in the county where it shall be on the first day of May in the then current year.

Sec. 74. If any person to whom the assessor shall have delivered or transmitted a blank schedule for the return of his property for taxation shall have no property which by this act he is required to list, either on his own account or on behalf of others, he shall set forth such facts on the blanks left with him by the assessor, or otherwise, and shall make oath or affirmation to the truth thereof, and return the same to the assessor between the first day of May and the first day of June; and every person owning or having charge of property subject to taxation, and required by this act to list the same, who shall wilfully fail, neglect or refuse to do so, as herein required, or who shall return a list known to be erroneous or defective, either as to the description of real estate, number, value or amount of personal property, or who shall wilfully make or fail to make in such list any statement whatever, whereby he shall avoid any assessment of taxes proper to be made against him, shall be deemed guilty of a misdemeanor, and on conviction shall pay a fine of not more than one thousand dollars, to be recovered by the county commissioners for the use of the county, in any court of competent jurisdiction; and it shall be the duty of the assessor having knowledge of any such offense by any taxpayer, to report the same to the district attorney, and to assess the property,

real and personal, of such person, not including his moneys or credits, according to the best information he can obtain.

Sec. 75. All credits arising from the deposit of ^{Bank deposits} money, checks, drafts or other cash items, in any bank ^{subject to as-} or banking institution, either state or national, including savings banks, trust companies, and other corporations so receiving deposits in any form, shall be subject to assessment like other personality [personality]; the assessment shall not be made on credits as they exist in favor of any creditor on any day certain, but the assessor shall ascertain as near as may be the average ^{Assess average} credits for the year for which the assessment is made, ^{amount.} and assess the average thereof. The assessor may ex- ^{Examine cred-} amine the creditor, under oath, in reference to such av- ^{itor under oath.} erage credits; and upon such information, or other information obtainable, the assessor shall make the assessment of such credits. This section shall apply to all ^{Applies to} residents of this state who have made deposits outside ^{credits placed} the limits of this state; and all such credits are assess- ^{outside of state.} able in this state the same as deposits made within this state.

Sec. 76. Building and loan associations, and mutual ^{Building and} and co-operative associations, or corporations of like ^{loan associa-} character, shall be assessed as provided by this section, ^{tions, etc.,} and shall be required to make return, to the assessor of the county where the principal office is located, of the following facts: ^{make returns.}

First—The amount and value of its real estate, and ^{Facts.} where situated.

Second—The value of its furniture and fixtures, and where situated.

Third—The value of its other tangible personal property, and where situated.

Fourth—The total authorized capital stock.

Fifth—The amount issued and outstanding.

Sixth—The credited value of stock paid in as shown by the company's books.

Seventh—The amount of moneys, notes and credits.

Eighth—The amount of liabilities other than liability on stock.

Ninth—The amount of liability on stock.

Real estate assessed where situated.

Liabilities deducted from moneys, notes, etc., assessed at principal office.

Schedule endorsed and filed retained six years.

Persons holding property in trust liable for non-return.

Liable to person injured.

Failure of owner to return not affect legality of tax.

The real estate and tangible personal property shall be assessed to the corporation or association at the place where such property is situated. From the moneys notes and credits held there shall be deducted the liabilities to share holders [shareholders] and all other liabilities, and such surplus over debits as the association may hold shall be assessed to such association or corporation at the place where its principle [principal] office is located.

Sec. 77. The schedules of taxable property returned to the assessor shall be endorsed by him, with the name of the person whose property is listed therein, when known, and the assessor shall file the same in alphabetical order, and retain such schedule for a period of six years, after which time they may be destroyed.

Sec. 78. Every person being seized or having the care of taxable property as executor or administrator, guardian, trustee, receiver or agent, or as the officer of any corporation or in any other representative fiduciary capacity, having funds in his hands applicable to such purposes, and who shall neglect or refuse either to list such property or pay the taxes on the same, shall in addition to the penalties prescribed by this act be liable in an action to every person injured by his default.

Sec. 79. No failure of the owner to return his property for assessment, or any such property, or to procure such property to be assessed, or to procure the errors in the assessment to be corrected, and no irregularity, error or omission in the assessment of any property or in the levy of any tax, shall in any manner affect the legality of any tax levied upon such property, nor any right or title to such property which would have accrued to any party claiming or holding the same under or by virtue of any sale of the treasurer or any deed executed

by the treasurer as provided by law, had the assessment of the property been in all respects regular.

Sec. 80. When the owner of any real estate shall fail to return the same for taxation, and the name of such owner is unknown to the assessor, and whose name cannot, with reasonable diligence, be ascertained, he may assess such real estate without connecting therewith any name, but inscribing at the head of the page or in other proper place, the words "owners unknown;" and such real estate whether land or city or town lots, shall be listed as near as practicable in the order of the numbers thereof; and in assessing such real property no one description shall comprise more than one town or city lot, nor more than one-fourth part of a section, or other small subdivision of the land according to the government surveys, [surveys] except in cases where the boundaries are so irregular that it cannot be described in the usual manner, in accordance with such surveys or the subdivisions of such city or town.

Assessor return property as "unknown."

List real estate.

Describe in small areas where regular.

Sec. 81. The number of survey lot or the government subdivision or a description by metes and bounds or any description by which the premises are commonly or well known or may conveniently be found, shall be a sufficient description for the assessment of such lands, and in describing the same, abbreviation [abbreviation] of words and figures may be used.

Number of survey lot sufficient description.

Abbreviations used.

Sec. 82. All mines and mining claims bearing gold, silver, lead, copper or other precious or valuable metals, and possessory rights therein, producing mineral, during the year, exceeding in value the sum of one thousand dollars, shall be assessed and taxed according to the value thereof; and the assessor in ascertaining that value shall compute and ascertain the gross proceeds in dollars and cents derived from the mine or mining claim to be valued during the preceding fiscal year; such mine or mining claim shall be valued for revenue purposes at one fourth of the sum thus [thus] ascertained, and said mine or mining claim shall be assessed and taxed accordingly; mining corporations owning mines and mining

Mines, etc., valued above \$1,000 assessed according to value.

Assessor compute gross proceeds.

For revenue purposes valued at one-fourth.

Mining corporations taxed on same basis as individual owners. claims bearing gold, silver, lead, copper, or other precious or valuable metals and possessory rights in such mines and mining claims shall be taxed thereon in the same manner and upon the same basis of valuation as individual or personal owners of such mine, mining claims or mining properties, and not otherwise. And the property owned by any mining corporation shall be held to represent the value of its capital stock for the purpose of taxation. All surface improvements and all machinery located upon any mining claim or claims, shall be separately valued for taxation; Provided, That the manner of assessment and taxation in this section hereinabove set forth shall apply only to mines and mining claims bearing and producing gold, silver, lead, copper, or other precious or valuable metals or minerals, and shall not be construed to apply to mines of iron, coal, asphaltum, quarries and lands valuable because containing other metals, minerals or earths, all of which shall be assessed and taxed like other property according to the value thereof; and, Provided, further, That all mines or mining claims or possessory rights therein that are not producing gold, silver, lead, copper, or other precious or valuable metals or minerals shall be assessed and taxed like other property according to the value thereof, and in ascertaining such value the assessor shall, in addition to the other requirements of this act, take into consideration the location thereof, the proximity to other mines or mining claims, and any other matters which may tend to assist him in arriving at a fair and equitable valuation of such property; and, Provided, further, That nothing in this act contained shall be construed as giving the assessor any right to assess a non-producing mining claim at a greater sum per acre than is assessed per acre against the lowest producing mine, or mining claim, situated in the same locality.

Property represent capital stock.

Surface improvements separately valued.

Applies only to mines of precious metals.

Other mines taxed like other property.

Mines not producing precious metals taxed according to value.

Assessor consider location.

Rate of assessment of non-producing claim.

Possession subject of assessment.

Sec. 83. In case the mine or mining claim shall not be patented, or entered for patent, but shall be assessable and taxable under this act, on account of producing gross proceeds, then, in that case, the possession shall be the

subject of the assessment, and if said mining property be sold for taxes levied, the sale for such tax shall pass the title and right of possession to the purchaser, under the laws of Colorado; and the number of survey lot or the name of the lode or claim, and the name of the mining district, shall be sufficient description for purposes of taxation and assessment of mining property.

Sec. 84. If any such lands or mining claim shall not have been patented by the United States, or shall not have been entered in the land office, then and in that case the mere possession shall be the subject of the assessment; and if any of such lands or mining claim be sold for non-payment of the tax the purchaser shall be forthwith, upon his purchase, entitled to enter and perform the annual labor required by the acts of congress; and in case the same be not redeemed the deed of the treasurer therefor shall convey all rights of the locator or former owner.

Purchaser for taxes gains title.

Description.

Possession of unpatented claim subject of assessment.

Purchaser at tax sale perform annual labor.

Treasurer convey rights of locator.

Sec. 85. The county clerk of each county shall, from time to time, and as often at least as once in each year, procure from the land office a list of all lands and mineral claims within his county which have been entered in the land office, and shall keep a list thereof in his office, which shall be a public record. He shall be allowed, by the county commissioners, his outlays in obtaining such list; Provided, That when any land lying in one county shall be erroneously taxed and sold in another county, the county so erroneously taxing and selling such land for taxes shall be liable to the owner of such land for any expense or damage caused to such owner by such erroneous sale.

County clerks annually secure list of lands and claims.

Keep as public record.

Expenses.

County making erroneous sale liable to owner.

Sec. 86. The assessor of each county of the state, except assessors of counties having more than one hundred thousand population, upon the completion of the assessment roll in each year, and prior to the endorsement of the tax list and warrant thereon, and on or before September first of each year, produce the same in person, and not by deputy, to the auditor of state, and he shall there, in the presence of the auditor, subscribe his

Assessors personally produce roll before auditor.

Assessor take
oath.

name to the following statement, which shall be appended to said assessment roll and constitute a part thereof, to-wit:

State of Colorado, County of1..., ss.

Assessor sworn
to truth of
statement.

I, the assessor of county, Colorado, do solomnly [solemnly] swear that in the above and foregoing assessment roll I have assessed all the taxable property in the county of for the current year, and at the true value thereof.

.....

Subscribed and sworn to before me this day
of A. D. 19....

.....

Auditor of State.

Auditor ad-
minister.

'The assessor so transcribing [subscribing] the state-
ment aforesaid shall there upon be sworn to the truth
of the facts set forth in said statement by the auditor.
The auditor is authorized to administer the oath to said
assessor so subscribing said statement.

Assessors pro-
duce rolls and
take oath be-
fore auditor.

Assessors of counties having more than 100,000 pop-
ulation shall produce their assessment rolls and subscribe
and swear to the statement required by this section in
like manner and under the same conditions prescribed in
this section for the assessors of counties having less than
100,000 population; except that assessors of counties hav-
ing more than 100,000 population shall produce said rolls
and subscribe and swear to said statement at the city of
Boulder, in the county of Boulder, in the presence of the
auditor of state, on or before September first of each
year, on a day to be fixed by said auditor of state, who
shall attend in person at the city of Boulder, there to
receive said assessment rolls from assessors of counties
having more than 100,000 population, and to administer
the above required oath to such assessors.

Auditor receive
at Boulder.

Auditor pre-
serve record.

The auditor shall make and preserve in his office a
record of such presentation and authentication of his
assessment roll by the assessor of each county of the
state, and the auditor's certificate of such oath, or the

record thereof in the auditor's office, shall be conclusive evidence of the fact, time and place of the making of such oath. The assessment and assessment roll shall have no validity for any purpose whatever until the affidavit set forth in this section is subscribed by the assessor and sworn to by him before the auditor, or deputy auditor of state.

Certificate or record conclusive evidence.
Assessment roll not valid.

Sec. 87. If it shall appear that any assessor wilfully and knowingly omitted from the assessment roll any of the taxable property in his county, or wilfully or knowingly assessed the property in his county or any part thereof below its true value, as set forth in the statement so subscribed by the assessor, as set forth in section 86 hereof, he shall be deemed guilty of perjury, and upon conviction shall be punished accordingly; Provided, however, That upon complaint, information or indictment being found against any assessor for perjury, under the oath prescribed for by section 86 of this act, the assessor so complained or informed against, or so indicted, upon making application therefor, shall be entitled as a matter of right to a change of venue of said cause to any other county in the state contained in said application for said change, excepting the county in which he resides.

Assessor falling of duty guilty of perjury.
Penalty.
Change of venue.

Sec. 88. At the hour of ten o'clock a. m., on the first Tuesday in August in each year, all the county assessors of this state shall meet at the capitol, and the auditor of state shall provide a place for them to meet, where they may have an opportunity to compare their assessments before making affidavit thereto, and if, upon such comparison, and from other information obtainable, any assessor is satisfied that his valuation of any class of property is too high or too low, and that it does not correctly set forth the true value thereof, it shall be his duty to correct the same, and thereafter make affidavit thereto, as is required by section 86 of this act. If any unforeseen or urgent reason shall intervene, making it necessary for any assessor to be absent from such meeting, the auditor of state may excuse such assessor from

Assessors meet at capitol.
Auditor provide room.
Compare and correct before making affidavit.
Auditor excuse absence.

Not affect validity of roll.	attendance and his assessment roll may be produced to the auditor and sworn to before or after said meeting, without in any wise affecting the validity of the assessment. It shall be the duty of the assessors of the state
Election of state board of assessors.	at such annual meeting to elect of their number thirteen assessors who shall constitute a board known as the State Board of Assessors. And for the purposes of this
Each class properly represented.	act, the counties of the first class shall elect one assessor, the counties of the second class two, the counties of the third class three, the counties of the fourth class five and the counties of the fifth class two, which shall be chosen by the vote of the assessors from their respective
Act under which classification is made.	classes of the counties from which they are elected. Said classification shall be made under an act entitled "An Act to Amend sections one (1) two (2) three (3) seven (7) nine (9) ten (10) eleven (11) thirteen (13) fourteen (14) and seventeen (17) of an act entitled "An Act to provide for the payment of salaries of certain officers, to provide for the disposition of certain fees, and to repeal all acts inconsistent therewith," approved April 6, 1891, and to repeal all other laws in conflict therewith, approved April 11th, 1899. The members of the said board shall
Compensation.	receive as compensation for their services five dollars each per day and their actual traveling expenses.
Board organize.	Sec. 88 A. It shall be the duty of the board of assessors to convene and organize the said board immediately upon their election, not later than the second
Assess property of railroads.	Tuesday in August of each year, and to assess all the property of this state owned, used or controlled by railway companies, telegraph, telephone and sleeping or other palace car companies; Provided, however, That real estate owned by any railway company and not used for the convenient and proper operation of its railways and improvements thereon shall not be included in said assessments, but such real estate and improvements thereon shall be assessed and taxed in the same manner as other real estate in the county where the same is situated, anything herein to the contrary notwithstanding.
Real estate not used for operation taxed in usual manner.	

Sec. 88 B. Any corporation, company or individual, ^{Corporations, etc., make complaint of illegalities.} whose property has been assessed by the state board of assessors, also any board of county commissioners of any county being of the opinion that any assessment made by the state board of assessors is illegal, erroneous, duplicate, not uniform with the assessment made by said state board upon other like property similarly situated and that the discrepancy as to the standard or basis of valuation is such as materially to affect uniformity in taxation required by the constitution of the state, may, on or before the first day of the succeeding September, file a petition or complaint with the Governor, setting forth the illegalities, errors, erroneous assessments or discriminations concerning which his complaint is made. The Governor shall, on or before the 15th day of September of each year, call a meeting of the state board of equalization, to be held at the Capitol building on the first Monday in October, to hear such petitions and complaints, and shall at once cause the secretary of the state board of equalization to serve notice of such complaints and hearings upon the corporation, company or individual whose property is directly affected thereby, and upon the board of county commissioners of any county directly affected, and shall also give notice of such complaints being made, and the general grounds, in a newspaper of general circulation in the state of Colorado, published in the city of Denver, a copy of which notice shall be sent to all parties interested. Upon the meeting of such state board of equalization they shall hear evidence, if any shall be presented, and may listen to arguments touching the matters of which the complaint is made, and the said state board shall have power to issue any and all process to compel the attendance of witnesses and the production before them of any and all books and papers necessary to arrive at a proper determination of the matters concerning which said complaint or petition is filed. All parties in interest, and any county in the state, upon order made and entered by its board of commissioners, directing the same, may be represented at

^{Governor call meeting of state board of equalization.}

^{Secretary of board of equalization serve notice of complaints and hearings.}

^{Publish notice.}

^{Send to interested parties.}

^{Board hear evidence.}

^{Compel witnesses.}

^{All parties or counties in interest may present evidence.}

Board adjourn
from day to
day.

Render decisio
in writing.

Send copy to in-
terested parties.

Power to
change assess-
ment.

Decisions made
in writing be-
come part of
public record.

Final and
conclusive.

Board refuse
to alter.

Decision of
state board of
assessors then
final.

Appeal not
affirmed.

such hearing and present evidence and argument. The state board may adjourn such hearing from day to day, or, upon good cause shown, from time to time, but not beyond the first day of the succeeding November, and it shall on or before the said first day of November, render its decision, in writing, upon all such complaints or petitions, a copy of which shall at once be transmitted to all the parties interested. At said hearing the said state board of equalization shall have power, and it shall be its duty to make such changes in the assessment theretofore made by the said state board of assessors and concerning which such complaint or petition has been filed, as to the said state board of equalization shall appear to be just and proper in order to place the property assessed by it on an equality with other property in the county or counties concerning which complaint is made, or on an equality with other like property assessed by it, in case the complaint is made that there has been illegal, erroneous, or not uniform [assessment] with the property valued by said state board. And such order or orders as may be decided upon by the said state board of equalization shall be made in writing, filed with the secretary of state, and signed and attested by at least a majority of said state board of equalization and become a part of the public records of the state of Colorado. And such decision, when so made and filed, shall be final and conclusive upon all of the parties. In the event of a majority of the state board of equalization refusing to make any substantial alterations in the findings and assessments upon such property as theretofore made by the state board of assessors and filing the same as above provided with the secretary of state on or before the first day of November, then and in that case the assessment so made by the state board of assessors shall be final and conclusive.

It [at] such hearing, had upon appeal as aforesaid, no considerable ground for said appeal shall appear, or in case the decision theretofore made by the state board of assessors shall be affirmed upon appeal, then and in

that case all costs and expenses incurred in and about the said appeal shall be chargeable to the party filing such complaint or petition, and the same shall be collectable [collectible] and enforceable as other claims and demands. Costs charged to party complaining.

If by such decision any corrections or changes are made in the assessments, such corrections or changes shall be noted and made by the state board of equalization, and the assessment or assessments as made or changed shall at once be certified to the county clerks of the counties affected thereby and take the place of the original assessment theretofore certified to such county and shall control in all proceedings in relation to the taxation of such property to the same extent as though originally certified. Changes certified to county clerks. Take place of original assessment.

In case there shall be several complaints or appeals under this section involving like questions they may for the purpose of hearing and determination, be consolidated by the state board of equalization. Like complaints consolidated.

Sec. 89. After the meeting of the assessors as aforesaid and after the assessment roll has been produced to the auditor of state and the affidavit to said assessment roll has been subscribed by the assessor and sworn to by him, and not until then, such assessor shall be entitled to fifty dollars and railway fare actually paid out to cover the additional expense of the assessor and as further compensation for his services; and the state auditor shall draw warrants on the state treasurer for such amounts, payable out of the state revenues for that year when collected. Assessor receive \$50 and expenses. Auditor draw warrants.

Sec. 90. If in the opinion of the state board of equalization upon satisfactory information submitted, any county assessor has omitted taxable property in his county from the assessment roll, or has assessed the property of his county palpably and manifestly below its true value, or has failed to verify his return as herein required, and if said state board of equalization is likewise of the opinion that such delinquency operates as State board set aside erroneous assessment.

Assessor required to make new assessment.

a fraud upon the state revenues, and that such revenues will be seriously impaired thereby, then and in such case the state board of equalization shall, upon reasonable notice to the assessor and after summary hearing, set aside for all purposes said assessment, and shall notify the delinquent assessor that he is forthwith required to make a new assessment in accordance with the statutes, unless the board also further finds that said erroneous assessment was wilfully made, in which case proceeding shall be had as provided in the following section.

Assessor appeal.

Provided, that in such case before any such assessment roll shall be set aside, if desired by the assessor, he may have an appeal from the decision of the state board of equalization to the district court of the county of which he is the assessor, which appeal shall be taken as appeals are now taken from boards of county commissioners, and shall be heard summarily.

Board certify willful, erroneous assessment.

Sec. 91. In case any assessment shall be set aside as erroneous, and the state board of equalization shall find and certify to the governor that the said erroneous assessment was wilfully made by the assessor, or that he has failed or refused to make the affidavits required

Governor notify assessor to appear.

by section 86 hereof, then in such case the governor [governor] shall forthwith notify the assessor so found delinquent as aforesaid to be and appear at the office of the governor, at a time to be fixed not less than five days nor more than ten days after service of such notice, to show cause why he should not be removed from his office as assessor of his county, [.]. At the time fixed

Hear evidence and decide.

the governor shall hear the evidence on both sides, and shall forthwith decide the matter. If he is satisfied from the evidence that the assessor wilfully omitted to assess taxable property in his county, or wilfully refused to assess the same at its true value, according to law, or failed or refused to make the affidavit required by section 86 hereof, he shall enter an executive order removing said assessor from office; whereupon the county commissioner [commissioners] shall fill the vacancy,

Remove assessor. County commissioners fill vacancy.

but shall not reappoint the assessor so removed. And such appointee or appointees shall likewise be subject to removal, until a just and lawful assessment shall have been obtained.

Not reappoint.
New assessor
subject to
removal.

Sec. 92. Except as an incident to equalization the county board of equalization shall have no power what-
 ever to make any increase or decrease in the total amount of the valuation of the property of the county as set forth in the assessment roll. The power of said board shall be to adjust and equalize the valuation of the property set forth in the assessment roll, and it shall exercise no other power and shall have no other authority in the premises. Except that, if it shall appear that in one or more instances an item or items of property in any given class as [is] assessed above its true value, and it shall also appear that all other items in such class are assessed at the true value, then, in such case and in such case only, the said board shall abate the excess valuation: [.]

Powers of
county board.

Adjust valua-
tion.

Abate excess
valuation.

Sec. 93. If, in the opinion of any taxpayer, his property has been twice assessed, or if the property exempt from taxation has been assessed, or if personal property has been assessed of which said person was not possessed at the time of the assessment, or if any property has been assessed too high, or if any property has been otherwise illegally assessed, such person having such grievance may appear before the assessor and make known to the assessor the facts in the premises; and if in any particular the assessment complained of is erroneous under the statutes, the assessor shall correct the same. The assessor shall, prior to the first Tuesday in August of each year, mail to each person, association or corporation whose property has been assessed at a valuation other than that given in the schedule filed by such person, association or corporation, a statement of any such change in valuation, and shall give notice, by publication in at least one issue of a paper published in the county seat, that on a day to be therein named he will sit to hear any and all objections to the assessment roll.

Taxpayer ap-
pear before
assessor with
grievance.

Assessor
correct.

Assessor mail
notice of change
of valuation.

Give notice to
hear objections.

If there shall be no such newspaper, then such notice shall be conspicuously posted at the office of the assessor, the county clerk, the county treasurer, and at least two other public places at the county seat. The assessor shall continue such hearing from day to day, and time to time, until all grievances shall be heard; but all hearings shall be concluded before the day of the first meeting of the county board of equalization.

Continue hearing from day to day.

Objections in writing.

Sec. 94. Every objection and statement of grievance pursuant to the foregoing section, shall be in writing, stating the particular grounds of such objection, or the particular facts wherein such grievance consists; and if such objections be overruled by the assessor, in whole or in part, he shall state briefly in writing the grounds of his refusal, and the taxpayer complaining may appeal from his decision to the district or county court of the county wherein the property is assessed on or before the first Monday in January following said assessment. Such appeal shall be perfected in the same manner as now provided by law for appeal from boards of county commissioners, upon the disallowance of a claim against the county; but before the appeal shall be allowed the petitioner shall pay to the county treasurer the amount of the tax levied pursuant to said assessment, and in case the appellant shall succeed in the county or district court in whole or in part, the treasurer shall refund such tax according to the judgment of the said court. And in all cases where any tax so collected shall be refunded, the taxpayer shall be entitled to receive interest on the amount refunded at ten per cent per annum from the time of payment thereof; Provided, howsoever, that the said court shall not review or give relief against an assessment merely because excessive unless it shall appear manifestly fraudulent [fraudulent] or oppressive.

Overruled.

State grounds in writing.

Taxpayer appeal.

Appeal perfected.

Petitioner pay tax.

Treasurer refund with interest.

Court not give relief.

Assessor and court consider value of similar property.

Sec. 95. Both the assessor and the said county or district court, in consideration of such statement of grievances by any such taxpayer, shall take into con-

sideration the value as fixed by the assessor upon other similar assessable property similarly situated.

Sec. 96. On the second Tuesday in August assessors shall meet at the capitol building in a room to be provided by the capitol managers, and shall sit from day to day thereafter until the business of said board shall be completed. It shall be the duty of said board to assess all the property in this state owned, used or controlled by railway, fast freight, express, telegraph, telephone, sleepingcar [sleeping car] companies, palace car, refrigerator car or other car companies; Provided, however, that real estate owned by any railway company and not used for the convenient and proper operation of its railways and improvements thereon, shall not be included in such assessments, but such real estate and improvements thereon shall be assessed and taxed in the same manner as other real estate in the county where the same is situated, anything herein to the contrary notwithstanding; Provided, further, that such board shall not have power to assess any tramway, electric road, cable road, or street railway located in the streets of any city or town, or upon any public road.

Meeting of state board of assessors.

Assess property of railroads, etc.

Real estate and improvements assessed as other property.

Not assess street railroads.

Sec. 97. The president, vice president, general superintendent, tax agent, or some other general officer of each railway, company or corporation owning, operating, controlling or having in its possession in this state, any railroad, shall furnish said board, and file with its clerk between the first day of May and the first day of June in each year, a statement signed and sworn to by one of such officers, and showing in detail for the year ending on the 31st day of December preceding:

Corporation furnish board annual sworn statement.

First—the whole number of miles of main track operated or controlled by such corporation, as well that without as that within this state; the whole number of miles of such track within this state which shall include the right of way and all ground adjacent thereto, bridges, culverts, pipe lines, fences and snow sheds, owned, operated or controlled in this state by such railway company making the returns, the number of miles

Mileage of main track within and without state, bridges, etc.

Lines operating regularly considered main track.	in each county, and the value thereof per mile; Provided, however, That any lines upon which trains are operated regularly shall be considered as a main track and assessed accordingly.
Mileage of side tracks.	Second—The number of miles of sidetracks and turnouts in each county within this state, and the value thereof per mile.
Description of all real estate.	Third—A detailed description of all real estate used or necessary to be used for the convenient and proper operation of the said road, and not included within nor adjacent to its rights of way, and the value thereof.
Detailed statement of buildings.	Fourth—A detailed statement, giving size, character, value and location as to county, of all depots, station houses, eating houses, machine shops and other buildings owned or controlled by such railway company, and used or necessary to be used, for the convenient and proper operation of its road, the lands occupied by the same, and the value thereof.
List and value of rolling stock.	Fifth—A full list of rolling stock belonging to or operated by such railway company, setting forth the number, class and value of all locomotives, snow plows, flangers, wreckers, pile drivers and steam shovels, passenger cars, dining cars, buffet cars, sleeping cars or other palace cars, express cars, baggage cars, mail cars, box cars, cattle cars, coal cars, platform cars and all other kind of cars, owned or used by said company.
Amount and character of tools, etc.	Sixth—A statement showing the amount and character of all tools, materials, hand cars, push cars, supplies and all other personal property, and the value thereof.
Miles and value of wire.	Seventh—The number of miles of telegraph and telephone wire owned or controlled by such company, both within and without this state; the number of miles of such wire within this state; the value thereof per mile of single wire, and the value of each additional wire per mile.
Complete financial statement.	Eighth—the amount of money and other cash items, the number of shares of the capital stock of said corporation outstanding, the par value thereof, and the average

market value thereof during the year for which the statement is made, as near as may be; the total amount and market value of mortgage bonds or other incumbrance upon the property of such corporation, and the rate of interest payable thereon; the total gross earnings also the net earnings of the said corporation during the year for which said statement is made, and the total amount expended in the operation and maintenance of the property and the improvement thereof, distinguishing that expended in improvement or betterment from that expended in maintenance or operation, and such further information as the state board of assessors may in writing require.

Sec. 98. Every person or association not incorporated, operating any railway shall, on the same day, make a similar return, setting forth the same matters required by the preceding section. The statement shall also give such further information as the state board of assessors may in writing require.

Sec. 99. The president, general manager, superintendent, auditor or some other general officer of every corporation not a railway company, operating a line of telephone or telegraph within the limits of this state, shall, between the first day of May and the first day of June in each year, furnish and deliver to the state board of assessors, and file with its clerk a statement, sworn to by one of such officers, which statement may be the annual report made by the corporation to its board of directors so far as the same is shown in said report, and such other information as the board may require, showing the total mileage of lines, both within and without the state, and also showing in detail the whole number of miles of telegraph or telephone wire by the said company operated within the state, and each county thereof, during the year ending with the 31st day of December preceding; the number of telephone or telegraph instruments, the gross earnings, and the net proceeds of the operation of such line of telegraph or telephone; the cost of operation and maintenance, and the cost of all improvements, additions

Unincorporated association make return.

Companies operating telephone or telegraph furnish statement.

Details of mileage, instruments, earnings.

Cost of operation, maintenance, etc.

or betterments thereto, distinguishing particularly money expended in additions, improvements and betterments, and that expended in maintenance and operation. Such statement shall also set forth the amount of moneys and cash items on hand, the total number of shares of capital stock of such corporation, the par value thereof, and the average value of the same in market during the year for which statement is made, as near as may be, or if the same shall not have any market value, then the actual true value thereof during the same time, and the amount of the bonded and other indebtedness of said company outstanding. The statement shall set forth such other matters as may, by order of the state board of assessors, be at any time in writing required. Every such statement required of any telephone company shall set forth not only the mileage of the main line of such telephone, between different towns and cities, but the mileage of all wires operated within the limits of each city and town, that is to say, between the main station or other station of the said company, and the houses, offices and places of business of the patrons thereof, and finally, all other properties owned by any such telegraph or telephone company or corporation, including shares and capital stock of any other corporation or association, and the value thereof.

Moneys, stocks.

Other requirements.

Include wires in cities.

All other property owned.

Unincorporated companies render same statement.

Statement include lines outside of state.

Express companies, etc., furnish sworn statement.

Sec. 100. Every person or association, not incorporated, operating any such line of telegraph or telephone for profit, shall at the same time, render a similar statement.

Sec. 101. Where any line of telephone or telegraph is situate partly within this state and partly within the limits of any other state, states or territory, the statement shall set forth the same matters and things touching the whole line of such telegraph or telephone, as well as touching that part thereof within the limits of this state.

Sec. 102. The president, vice president, general superintendent, auditor, tax agent, or some other general officer of every express company or fast freight com-

pany shall, between the first day of May and the first day of June in each year, furnish and deliver to the state board of assessors, and file with its clerk a statement, ^{File with clerk.} sworn to by one of such officers, of the number of cars ^{Detailed state-} used or operated by such corporation either within or ^{ment of prop-} without the limits of the state of Colorado during the ^{erties and busi-} year ending on the 31st day of December then next pre- ^{ness.} ceding, and all other properties used in the conduct of its business, the number of such cars as were used or operated within the limits of the state of Colorado; all other properties used within the limits of the state in the conduct of its said business, and the value thereof; the num- ^{Shares of capi-} ber of shares in the capital stock of said corporation and ^{tal stock.} the average market value thereof during the year for ^{Value.} which the said statement is made; or if not upon the market, the average true actual value thereof during said year, and the amount of bonded or other indebtedness of said corporation [corporation] as near as may be; and the gross and net earnings of said corporation wherever ^{Earnings.} its business is carried on; and the gross and net earnings within the limits of the state of Colorado.

Sec. 103. The president, vice president, general su- ^{Palace and} perintendent, auditor, tax agent or some other general ^{sleeping car} officer of every palace car and sleeping car company, ^{companies fur-} shall, between the first day of May and the first day of ^{nish sworn} June in each year, furnish and deliver to the state board ^{statement.} of assessors, and file with its clerk, a statement, sworn ^{File with clerk.} [to] by one of such officers, of the number of cars oper- ^{Detailed state-} ated by said corporation either within or without the lim- ^{ment of prop-} its of the state of Colorado during the year ending on the ^{erty and busi-} 31st day of December then next preceding; the number of ^{ness.} such cars as were operated or used within the limits of the State of Colorado; a description of all other properties used within the limits of the state of Colorado in the conduct of its said business and the value thereof; the ^{Shares of capi-} number of shares in the capital stock of said corporation ^{tal stock.} and the average market value thereof during the year ^{Value.} for which the said statement is made, or if not upon the market, the average true actual value thereof during the

Indebtedness.

Earnings.

said year; the amount of bonded or other indebtedness of said corporation as near as may be; and the gross and net earnings of said corporation wherever its business is carried on, and the gross and net earnings within the limits of the state of Colorado, for the same period.

Other companies file with clerk a verified statement.

Sec. 104. The president or other chief officer of every company or corporation other than railroad, express, fast freight, palace and sleeping car companies, and every firm and individual owning or operating any stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, or any other kind of cars, shall, between the first day of May and the first day of June in each year, make to the state board of assessors and file

Details of property and business.

with its clerk a true, full and accurate statement, verified by affidavit of the officer or person making the same, showing the aggregate number of miles made by their cars over the several lines of railroad within and without this state during the year ending on the 31st day of December preceding, and a further statement showing the aggregate number of miles made within this state, and within each county thereof during the same period, by the cars of the particular class or classes covered by this statement, in the ordinary course of business during the year; and showing also the same matters and things above required to be set down in the statement of express companies and fast freight companies.

Railroad companies running through or into state, furnish board verified statement of property and business.

Sec. 105. The president or other chief officer of every railroad company, whose lines run through or into this state, shall, between the first day of May and the first day of June in each year, furnish to the state board of assessors, and file with its clerk a statement verified by the affidavit of the officer or person making the same, showing the total number of miles made by the cars of every such express car company, mercantile or other company, firm or individual, over their lines in this state during the year next preceding the 31st day of December then last past. Such statement shall also show, separately, the name and aggregate number of miles traveled over their lines in this state, by the cars of each such car

company, car trust, mercantile or other company, firm or individual.

Sec. 106. If any of said officers shall fail to make such statement within the time above specified, or shall make a false statement, said board shall proceed to assess the property of the corporation so failing as otherwise provided in this act and shall add thirty per cent. to the value thereof as ascertained and determined by said board.

Failure to make statement.
Board assess and add 30 per cent to value.

Sec. 107. It shall be the duty of the state board of assessors to ascertain from such statements and from such other information required or obtainable by such board, the total value of the property or plant of each of said car companies, firms and individuals, mentioned in this act, in the manner set forth in this act, and to also ascertain the total number of miles made by all of the cars of each of such companies, firms and individuals, both within and without the state, and also to ascertain the number of miles made by the cars of each of said companies, firms and individuals within the state, and within each county of the state, during the twelve months ending with the 31st day of December next preceding; and upon ascertaining the mileage aforesaid for the purposes of assessment and taxation, this state shall be entitled to that proportion of the total value of the property or plant wherever situate of any such car company, firm or individual, that the total mileage made by such cars in this state bears to the total mileage made by the cars of said company, firm or individual, within and without the state; and an assessment shall be made against such corporation, firm or individual upon such properties accordingly.

Board obtain information of mileage in state.
State entitled to proportion of total valuation.

Sec. 108. In case of railway, telegraph, and telephone companies, whether part or all of the corporate plant or profit producing unit, is situate within this state, the state board of assessors shall (1) determine the true value of the entire corporate plant wherever situate, and in the manner heretofore set down in this act; and

Board determine value of entire plant, mileage, etc.

(2) the board shall then ascertain and determine the total number of miles of railway track, telephone, or telegraph lines, of said company wherever situate; and (3) the total of such mileage in this state. This state shall be entitled to that proportion of the total value of any such plant so ascertained for the purposes of assessment and taxation, that the mileage of any such company in this state bears to its total mileage wherever situate, and the state board of assessors shall assess the same accordingly.

State entitled to its proportion.

Board determine value of plant and business of express companies.

State entitled to proportion.

Necessary deductions.

Board assess property either to owner or controller.

In respect to express companies, sleeping car and palace car companies and fast freight companies, the state board of assessors shall determine the true value of the entire corporate plant and business wherever situate, in the manner heretofore set down in this act, together with the total railway mileage wherever situate, over which any such company shall do business, and also such total mileage within the limits of this state. This state shall be entitled to that proportion of the total value of any such plant and business so ascertained for the purposes of assessment and taxation, that such mileage within the state bears to such total mileage wherever situate; and the state board of assessors shall assess the same accordingly. Provided, that the state board of assessors in assessing the property of corporations whose lines and property extend into other states or territories, shall have power to make such deductions of property of such corporation in other states or territories not connected directly with the operation of the corporate business, as may be just, to the end that the fair proportion of such corporate property in this state may be ascertained.

Sec. 109. Whenever it shall be found that one corporation uses or controls any property belonging to or owned by another corporation, said board may assess such property either to the corporation using or controlling the same or to the corporation by which it is owned or to which it belongs. But every such corporation shall, in its statement to said board, set forth what prop-

erty belonging to or owned by any other corporation, is used or controlled by the corporation making the statement.
Corporation state what is owned and what controlled.

Sec. 110. At the regular meeting of the board in each year it shall be the duty of the board to afford an opportunity to any such corporation, or any tax payer, to appear before the board and submit to it any facts which may tend to inform the board or give it information, to the end that a fair and equitable assessment of such property may be made. The clerk of the state board of equalization as now provided for shall act as the clerk of the state board of assessors.
Board afford opportunity to appear.
 Clerk of board of equalization act for state board of assessors.

Sec. 111. On or before the fifteenth day of September in each year the board shall transmit to the county clerk of each county through which the track of any railway company, or the telegraph wire or telephone wire of any telegraph or telephone company may extend, a statement showing the length of the main track of such railway and the number of miles of such telegraph and telephone wire in such county, and the assessed value per mile of the same, as fixed by a ratable distribution of the assessed value of the whole property of such corporation, among the different counties of the state. As also a statement showing the amount to be assessed in such county, against each express company, fast freight company, and each firm and individual operating any of such cars, as hereinbefore mentioned. Each county shall be entitled for purposes of taxation, and shall assess and tax, a share and part of the total value of the properties of each railway company, telegraph and telephone company, which shall be to the whole value of the properties of such corporation, as the number of miles of the railway or line or [of] telegraph or telephone wire operated by such corporation within the state. And to such share and part of the total value of the properties of each of such express companies, palace or sleeping car companies, as the number of miles of railroad within the limits of such county, upon which said express companies, palace or sleeping car companies operate, is to the total number
Board transmit statement of value of track, etc.
 Amount assessed against company.
 Each county assess proportionate share of mileage.

Of value of
properties.

of miles upon which such corporation operates within the limits of the state. And each county shall be entitled to assess and tax a share and part of the total value of the properties of each fast freight company, firm or individual operating any of the species of cars above specified, which shall be to the whole value of the properties of such corporation, firm or individual, as the total number of miles made by the cars of such corporation, firms and individuals, respectively, within the said county bears to the whole number of miles made by the said cars of said company, firm or individual within the limits of the state. Said statement shall be entered upon the proper records of each county and preserved in the office of the clerk thereof.

Statement re-
corded.

Board record
amount as-
sessed against
track, etc., for
school and mu-
nicipal pur-
poses.

Sec. 112. At the first meeting of the board of county commissioners held after the said statement is received by the county clerk from the state board of assessors, said board of county commissioners shall make and cause to be entered upon the record of their proceedings, an order declaring the length of the main track in each school district and in each municipal corporation within that county, in or through which any railway, telegraph or telephone line extends, and the amount of the assessment against the same that is to be placed upon the tax roll for the benefit of such school district or municipal corporation. As also the amount of the assessment against each express company, fast freight company, palace car or sleeping car company, firm or individual operating any such cars in and through such school district or municipal corporation, which is to be placed upon the tax roll for the benefit of such school district or municipal corporation—to be ascertained and determined in the same manner as the amount of the assessment of such properties to be distributed between the several counties of the state, is to be ascertained by the state board of assessors. The county clerk shall transmit a copy of said order to the county assessor, who shall place such assessment on the assessment roll of his county subject to the same per centum of levy for the different purposes

Against express
and other
companies.

Determined as
above.

Clerk transmit
copy.
Assessor place
on roll.

for which taxes may be lawfully levied as in the case of any other property.

Sec. 113. On the first day of the meeting of the county commissioners of each county as a board of equalization, the county assessors [assessor] shall submit to said board the complete assessment of his county, together with a list of property returned to him. He shall also submit to said board, lists of all persons or corporations in his county who have returned insufficient lists of personal property, or have failed to return any list of property as required by law and shall report his action in each case.

Assessor submit
assessment to
board of equal-
ization.

Sec. 114. Immediately after the assessment roll is completed, and the affidavit provided for in section 86 hereof is subscribed by the assessor and sworn to before the auditor of state, the county assessor shall make out an abstract thereof, containing the whole number of acres of land listed in the county and the valuation thereof; the whole number of miles of railroad in the county and the value thereof; the number of corporations the property of which is assessed as a unit, and the total value thereof; the total number of town lots; the whole number of horses and their total value; the whole number of mules and their total value; the whole number of asses and their total value; the whole number of cattle and their total value; the whole number of sheep and their total value; the whole number of swine and their total value; the whole number of goats and their total value; the whole number of musical instruments and their total value; the total value of clocks, watches, jewelry, gold and silver plate; the gross amount of all other property, with money credits; which abstract the county assessor shall make out in duplicate and transmit one copy forthwith to the auditor of state. The state board of equalization is authorized to diminish or add to the above list, and to require such different or further matters to be returned as it may deem advisable.

Assessor make
abstract of
land listed.

Miles of rail-
road.

Number of cor-
porations.

Town lots.

Horses, mules.

Asses, Cattle,
Sheep, Swine,
Goats.

Musical instru-
ments.
Clocks.

Send copy to
auditor.

State board
may alter.

Sec. 115. If any county assessor shall refuse or neglect to prepare an abstract of the assessment roll of

Assessor failing
to prepare
abstract.

Penalty.	his county and forward the same to the state auditor, as required in the preceding section, or shall forward one known by him to be untrue or incorrect, he shall forfeit to the state the sum of five hundred dollars, to be recovered in name of the state of Colorado by civil action, and the certificate of the auditor authenticated by the seal of his office, setting forth the failure of the county assessor to comply with the provisions of this section, shall be prima facie evidence on the trial of such action.
Evidence.	
Commissioners retain part of assessor's salary.	Sec. 116. It shall be the duty of the board of county commissioners to retain twenty-five per centum of the salary of the county assessor of any county of this state until the said county assessor shall produce a certificate from the auditor of state that he, the said county assessor, has duly delivered to said auditor of state a copy of the abstract of assessment for his county, and that the
Assessor forfeit.	same has been made in accordance with the law. Any county assessor who shall fail to produce such a certificate from the auditor of state shall forfeit said twenty-five per centum of his salary. In case of failure to receive such abstract of assessment in due course of time, the state board of equalization shall at once dispatch a messenger to obtain such abstract of assessment, the actual expenses thereof to be paid from the said twenty-five per centum retained by the board of county commissioners.
Failure to receive abstract.	
Send messenger.	
Expenses.	
Auditor examine.	Sec. 117. The auditor of state, upon receipt of the abstract of assessment from any assessor, shall without delay examine the same and, if found to be correct, shall
Send certificate.	send the assessor a certificate stating the fact therein.
Assessor failing to extend taxes.	Sec. 118. Any county assessor failing hereafter to compute and extend the taxes for any legal state fund, according to the levy made by law, for such funds, shall be fined not less than five hundred dollars nor more than one thousand dollars.
Penalty.	
Correct assessment.	Sec. 119. Immediately upon the receipt by the assessor of each county of the statement of changes in the assessment of his county, made by the state board of equalization, who [he] shall immediately make such

corection [correction] of the assessment and assessment roll as may be necessary to carry out the directions of the state board of equalization.

Sec. 120. Every tract of land, and each town or city lot, shall be valued and assessed separately, except when one or more adjoining tracts or lots are returned by the same person, in which case they shall be valued separately and assessed jointly; and except where to the knowledge of the assessor, several lots or one or more lots and a part of other lot or lots are occupied by the same dwelling with its outbuildings, or by a single warehouse, store house, manufactory [manufactory] or other like works, or for a single purpose for which the whole of such lots and parts of lots are necessary or convenient, all which lots and parts of lots shall be assessed and taxed as one property. Contiguous mining claims or mining lands, to the knowledge of the assessor worked or operated through or by means of the same shafts, tunnels or other openings, or placer claims, to the knowledge of the assessor, worked or operated by means of the same ditch or other works, shall be assessed in one body, together with such ditches and works.

Lands assessed separately.
Exception.
Mining claims assessed in one body.

Sec. 121. As soon as practicable after the taxes are levied, and at the furthest on or before the first day of January, annually, every county assessor shall deliver to the county treasurer tax list and warrant under his hand and official seal, setting forth the assessment roll, with the taxes extended, containing, in tabular form and alphabetical order, the names of the persons and bodies in whose names property has been listed in his county, with the several species of property and the value, the several taxes levied against the same, and the total amount of taxes, and with the columns of numbers and value footed, and commanding the treasurer to collect the said taxes in a column to be provided for that purpose he shall write the words, "By the assessor," when the list was made by himself. At the end of the tax list and warrant he shall pro rate the total tax levied to the several funds. Said tax list and warrant may be in the following form, inserting columns for the several funds:

Deliver tax list and warrant to treasurer.
Pro rate funds.

Sec. 122. No informality in complying with the Informality not
 above requirements shall render any proceedings for invalidate.
 the collection of taxes illegal. The assessor shall take
 the receipt of the treasurer for the warrant, and such Treasurer re-
 warrant shall be full and sufficient authority for the ceipt for war-
 treasurer to collect all taxes contained therein. rant.

Sec. 123 When any person shall pay the taxes
 assessed upon any horses, mules, asses, cattle sheep,
 goats, swine or other personal property, in any county
 of the state, he may present the treasurer's receipt there-
 for to the county assessor, who shall endorse thereon Assessor in-
 the number, description and value of the property as endorse taxpay-
 assessed to such person, as contained in the tax list or ers' receipt.
 lists on file in his office; and such receipt, when so en-
 dorsed, shall be PRIMA FACIE evidence of the payment Receipt evi-
 of the taxes on the property described, and for the year dence of pay-
 mentioned therein. The assessor shall be entitled to a ment.
 fee of fifty cents for each endorsement so made. Assessor's fee.

Sec. 124. All taxes collected for state institutions Taxes collected
 in each year shall be combined under one head and en- for state in-
 tered by the county assessor of each county of the state stitutions.
 upon the tax list, under the head of state institutions, in
 one (1) column.

Sec. 125. If by any means any property, real or per- Omitted prop-
 sonal, shall be omitted in the assessment of any year or erty taxed for
 series of years, and not put upon the assessor's book, arrears.
 the same when discovered shall be assessed by the as-
 sessor for the time being and inserted on the assessment
 roll, and all the arrearages of taxes which should have
 been assessed and paid in former years charged thereon,
 or in case of the failure or neglect of the assessor the
 same shall be assessed by the treasurer, and by him in Treasurer insert
 serted in the warrant with the arrears of taxes as pro- in warrant.
 vided for "additional assessments."

Sec. 126. There shall be levied upon all the taxable Rate for state
 property in this state in each year, for all state purposes, purposes.
 four mills on the dollar, when no lower rate is prescribed
 by the state board of equalization.

Treasurer collect.

Warrant authority.

Pro rate funds monthly.

Payable in cash

Errors in name corrected.

Personal demand unnecessary.

Treasurer distress and sell.

Treasurers notify of taxes due.

Amount.

Return furnished person claiming interest.

Sec. 127. The treasurer, on receiving the tax list and warrant, shall proceed to collect the tax therein levied, and the list and warrant shall be his authority and justification against any illegality in the proceedings prior to receiving the list. He shall, upon the last day of each month, pro rate the total amount of the taxes collected during the month to the several funds.

Sec. 128 All fees and taxes, together with all penalties and costs thereon, shall be payable in cash only.

Sec. 129. If on the assessment roll or on the tax list and warrant there be any error in the name of a person taxed, the name may be changed and the tax collected from the person intended, if he be taxable and can be identified by the treasurer or assessor.

Sec. 130. No personal demand of taxes shall be necessary, but it is the duty of every person subject to taxation to attend at the office of the treasurer and pay the first half of the taxes assessed against his property on or before the last day of February, and the remaining one-half part thereof on or before the last day of July of the year following the one in which they were assessed; and if such person shall neglect or fail to pay such tax until after the first day of August following the levy of the same, the treasurer may make the same by distress and sale of any of his personal property, whether it be the property taxed or other property.

Sec. 131. County treasurers and the treasurers of other municipal corporations intrusted with the collection of revenue shall, each year, after the assessment roll and tax lists have been formally made up and extended, by letter or postal card addressed and mailed, notify each person from whom a tax is known to be due of the amount of such tax. Such notice shall specify the amount of the valuation and separately [separately] state the tax levied upon personal property and upon real estate. A similar return of information shall, upon request, be furnished to any person claiming an interest in any real property upon which a lien for taxes is claimed to exist. To facilitate the mailing of these notices the assessor

shall, as far as practicable, obtain the post office or ^{Assessor return} street address of the respective taxpayers and make re-^{addresses.} turns of the same in his official reports; Provided, That the failure upon the part of the treasurer or assessor to ^{Failure not in-} comply with any of the provisions of the preceeding ^{validate.} [preceding] section shall in no way invalidate the assessment, the levy of the tax, or the sale of any property, for non-payment of the tax.

Sec. 132. All taxes levied or assessed upon personal ^{Taxes lien on} property of any kind whatsoever shall be and remain a ^{property.} perpetual lien upon the property so levied upon, until the whole amount of such tax is paid; and if such property so taxed, or any part thereof, shall have been removed from the county wherein the same was taxed, or the treasurer cannot find or obtain the same or other property sufficient for the satisfaction of the tax, with interest, penalties and charges, then the county treasurer shall sue the person so taxed, before some court ^{Treasurer sue} of his county having jurisdiction; and upon the trial ^{for taxes on} of any such cause the tax roll or a certificate from the ^{property not} county treasurer of the amount of such tax, and that ^{found.} the same is not paid, shall be PRIMA FACIE evidence ^{Tax roll evi-} that the amount claimed is due and unpaid, and judge-^{dence.} ment [judgment] shall be given for the amount of such tax, together with all costs, interest and charges thereon and execution therefor shall issue as in other cases, from ^{Execution issue} which execution and sale there shall be allowed no ex-^{as in other} emption except such property as is exempt from taxa-^{cases.} tion by this act.

Sec. 133. When the treasurer destrains [distrains] ^{Treasurer give} goods he may keep them at the expense of the owner, ^{notice of sale.} and shall give notice of the time of their sale within five days after the day of taking, in the manner constables are required to give notice of the sale of personal property on execution; and the time of the sale shall not be more than ten days from the date of first notice, but he ^{May adjourn} may adjourn the sale from time to time for a period not ^{sale.} exceeding ten days, and shall adjourn when there are ^{Post notice of} no bidders; and in case of an adjournment he shall put ^{adjournment.}

Surplus re-
turned to
owner.

up a notice thereof at the place of sale. Any surplus remaining above the taxes, penalties, interest and costs, charges for keeping and sale, shall be returned to the owner; and the treasurer shall, on demand, render an account in writing of the sale and charges.

Treasurer ren-
der account.

Amount paid
into treasury.

Sec. 134. The amount collected pursuant to the preceeding [preceding] section shall forthwith be accounted for and paid into the county treasury within thirty days after its collection.

Compensation
of officer col-
lecting.

Sec. 135. The officer collecting money by virtue of such distress shall receive the same compensation as is allowed by law to the sheriff of the same county for the execution of a fieri facias, to be collected in addition to the amount due for taxes, interest and penalties, together with ten per cent. of the amount of the tax in addition thereto; and the proceedings in all other respects shall, as nearly as practicable, be the same as pertain to the execution of said writ in other cases.

In addition to
taxes and other
costs.

Lien on mer-
chandise extend
to changed
stock.

Sec. 136. The perpetual lien imposed upon personal property in all cases of taxes assessed and levied upon merchandise shall extend to and hold any stock of merchandise held by the person or persons taxed while engaged in the business of merchandising, whether such stock is the identical stock assessed or taxed, or contains articles which have been added thereto after such assessment or levy.

Treasurer
check fraud by
distrain and
sale.

Sec. 137. If the treasurer has reason to believe that any person charged with taxes upon personal property is about to remove such property from the county, or to sell, assign, transfer, convey or conceal or otherwise dispose of the same, or to cause the same to be done, such treasurer may at any time, after the tax list and warrant comes to his hands, proceed to collect the same, with costs and charges, by distress and sale of any personal property of the person in the manner provided by this act.

Sec. 138. Whenever at any time during any year any person shall temporarily locate in any township, city,

town or village for the purpose of selling or disposing of any goods, wares or merchandise, and shall offer to sell or otherwise dispose of at wholesale or retail, any goods, wares or merchandise, it shall be the duty of the assessor of the county for the time being, or of the treasurer if the tax list and warrant has been delivered, forthwith to call upon said person and demand of him the true value in money of all his stock in trade, and to ascertain and assess the same at its true cash value, and the assessor or treasurer shall have the same power in respect to the examination of such person or other persons as is hereby conferred upon the assessor in other cases. The value so ascertained shall be entered upon the assessment roll or on the tax list and warrant if already delivered, and taxed at the same rate for county, school district and municipal purposes as other like property, and the taxes collected thereon by the treasurer as in other cases; Provided, howsoever, That no penalties or costs shall be imposed for any delinquencies prior to such assessment; and, Provided, further, That if such person can show by proper receipts for taxes from the treasurer of any other county that taxes for the current year have been paid on such goods in any other county in this state, no assessment shall be made against the same for the then current year.

Goods on temporary sale subject to tax.

Assessor or treasurer ascertain value.

Enter value.

No penalties for prior delinquencies.

Person relieved by showing receipts from other county.

Sec. 139. If at any time after the assessment of personal property for taxation, the said property by virtue of the creation of a new county has been placed outside the reduced territory of the county in which the assessment was made, and within the boundaries of a new county, and for a period of two years such personal taxes have been delinquent and unpaid upon the books of the county treasurer of the county in which said assessment was made, and such county treasurer has found it impracticable to collect the same, it shall be the duty of such county treasurer of the county in which such assessment was made, to send to the clerk of the county in which said personal property shall be, a copy of said assessment as found upon his books, whereupon the said

Treasurer send clerk of new county list of delinquent taxes.

Clerk deliver
and charge to
new treasurer.

Treasurer col-
lect or distraint.

Clerk acknowl-
edge receipt.

Treasurer re-
port to commis-
sioners and
auditor.
Proper entries
made.

Old treasurer
relieved and
new treasurer
charged with
responsibility.

Collections dis-
posed of as
though original.

Officers of cor-
poration give
treasurer cer-
tificate concern-
ing stock.

Treasurer seize
for non-pay-
ment.

Purchaser ad-
mitted to rights.

clerk shall deliver the same to the treasurer of his county, charging him therewith [therewith]; and the treasurer shall proceed forthwith to collect said taxes, and if not paid upon demand, may proceed by distraint in the same manner as provided in other cases where the assessment was made in his own county. The county clerk of the county to which said copy of assessment or list of delinquent taxes shall be sent pursuant to this section, shall acknowledge receipt of said copy immediatly, [immediatly] by written communication to the treasurer of the county where said assessment was originally made, and said treasurer shall report his actions in the premises to the board of county commissioners of his county, and also to the auditor of state, and thereupon the proper entries shall be made upon the books of the county and of the state auditor, so that the treasurer of said county in which the assessment was made shall be no longer responsible for the collection of said delinquent taxes or be charged therewith, and the treasurer of the county to which the said delinquent list has been sent shall be charged therewith. And if collections are made thereafter, either by distraint [distraint] or otherwise, such collections shall be disposed of the same as if the assessment had been originally made in the county where the collections were made.

Sec. 140. The president, treasurer, cashier, secretary, or chief clerk of any corporation, the shares of which are taxable by law, at the request of the county treasurer shall give him a certificate under his hand, showing the number and amount of shares held in the stock of such corporation, the names of the holders and the incumbrances thereon, so far as to him known of any person or persons whose tax levy sought to be verified, and such treasurer, in default of payment by the corporation of the taxes due thereon as required by law, shall distraint [distrain], seize and sell the same, and the purchaser thereof shall be admitted to all the rights, powers and privileges that the holders of such shares had at the time of seizing the same, and shall be entered by such

corporation on their books as the owner of such shares; Provided, however, That corporate stock shall be deemed to represent the corporate property, and except in case of banking corporations, shall not be taxed. The taxpayer need not return such stock in his schedule. Stock must represent property.

Sec. 141. If any corporation, or any officer thereof, shall fail to comply with the requirements of the preceding section, such corporation shall forfeit to the state the sum of one thousand dollars, to be recovered by civil action in the name of the state, in any court of competent jurisdiction. Corporation fail to comply. Forfeiture. Civil action.

Sec. 142 If the treasurer be resisted or impeded in the execution of his office, he may require any suitable person or persons to aid him therein; and if any person shall refuse such aid, he shall forfeit a sum not exceeding fifty dollars, to be recovered by civil action, which action shall be brought in the name of the board of county commissioners of such county, and the person resisting shall be liable as in the case of resisting the sheriff in the execution of civil process. Treasurer ask aid. Penalty for refusal.

Sec. 143 On the first day of August in each year the unpaid taxes of the preceding year become delinquent, and shall thereafter draw interest at the rate of fifteen per cent. per annum, but the treasurer shall continue to receive payments of the same, with interest, until the day of sale for taxes; Provided, That nothing in this section shall be construed to prevent the collection of the penalty provided for in section 11 of this act. Unpaid taxes become delinquent. Draw interest. Treasurer continue to receive payment. Penalty not invalid.

Sec. 144. It shall be the duty of the treasurer of each county, before making sale of any lots or land for unpaid taxes, as provided in this act, to carefully examine and compare the delinquent list with the assessment roll and block books in his office, and to omit from such sale all lots and lands doubly or erroneously assessed, so far as he is able to ascertain the same, and to make an itemized report to the board of county commissioners of his county, showing such double or erroneous assessment; and the board of county commissioners, on receipt of such itemized report, shall by resolution to be entered in their Treasurer omit lands erroneously assessed. Make report to county commissioners.

Commissioners
abate taxes.

Allow treasurer
compensation.

Treasurer make
semi-annual
settlement.

Clerk make
statement of
revenue.

Statement au-
thenticated by
seal and sig-
natures.

Treasurer
make monthly
payments to
state.

Treasurers
transmit
moneys to
state.

Treasurer wil-
fully withhold.

State treasurer
notify district
attorney.

proceedings, abate the taxes levied upon such double or erroneous assessments; and the board of county commissioners shall allow the treasurer for making such itemized report, such compensation as would be equal to the fees for collecting the taxes levied on such double or erroneous assessments, if collected in money by him.

Sec. 145. It shall be the duty of the treasurer of each county to make a settlement semi-annually with the board of county commissioners, at their first meeting in January and July, and the county clerk shall immediately [immediately] after such settlements are made, make out a statement upon blanks to be provided by the state auditor for that purpose, showing the exact condition of the state revenue in his county; the balance due the state, and all of the credits due the county by reason of the double or erroneous assessments; and amounts refunded to purchasers of real estate erroneously [erroneously] sold. Said statement shall be authenticated by the county seal, the signature of the county clerk, and a majority of the board of county commissioners, and shall be made out in duplicate, one of which the county clerk shall preserve in his office, the other he shall immediately [immediately] transmit to the state auditor.

Sec. 146 Every county treasurer shall each year, unless otherwise directed by the auditor of the state, pay into the state treasury on or before the tenth day of each month, all money due the state, remaining in his hands on the first day of that month.

Sec. 147. It shall be the duty of all county treasurers to transmit, by draft or otherwise, at the expense of their counties, all moneys in their hands belonging to the state, to the state treasurer.

Sec. 148. Whenever any county treasurer shall wilfully fail to pay into the state treasury any money in his hands due the state at the time prescribed by law or within fifteen days thereafter, then it shall be the duty of the state treasurer to notify the district attorney of the county for which any such person is county treasurer,

and the said district attorney shall file or cause to be filed, in the district court of any such county, an information charging the said county treasurer with having failed to pay into the said treasury at the time prescribed by law, or within fifteen days thereafter, money in his hands due the state, and the said district court, upon the filing of such information, shall issue to the sheriff of the county a bench warrant commanding him to arrest and bring before the court any such treasurer so offending, and such proceedings shall then be had as the criminal code now provides for the trial of any person charged with embezzlement, and if upon the trial of any such county treasurer the jury shall find the defendant guilty then the court shall assess a fine against any such county treasurer found guilty as aforesaid in a sum not less than one hundred dollars nor more than five hundred dollars, and shall render judgement [judgment] that the county treasurer so offending shall forfeit his office of treasurer, and the said district court shall immediately [immediately] thereafter file or cause to be filed with the county commissioners a certified copy of the judgement [judgment] rendered in said case, and the county commissioners shall as soon as practicable after receiving such transcript proceed to fill such vacancy, and such treasurer shall not again be eligible to that office.

File information.

Court issue bench warrant for offender.

Penalty in case of proven guilt.

Treasurer forfeit office.

Court file copy of judgment.

Commissioners fill vacancy.

Sec. 149. The county treasurer shall certify in writing the entire amount of taxes and assessments due upon any parcel of real estate, and all sales of the same for unpaid taxes or assessments shown by the books in his office, with the amount required for redemption of the same, if still redeemable, whenever he shall be requested so to do and paid or tendered his fees for such certificate, at the rate of fifty cents for the first parcel in each township, incorporated town or city, and ten cents for each subsequent parcel in the same township, town or city. Each description in the tax list and warrant shall be reckoned a parcel in computing the amount of such fees.

Treasurer certify taxes due, if required.

Fees.

Sec. 150. Such certificate, with the treasurer's receipt or receipts showing the payment of all the taxes

Certificate con-
clusive evi-
dence.

therein specified, and his certificate of redemption from the tax sales therein mentioned, shall be conclusive evidence for all purposes and against all persons, that the parcel of real estate in said certificate, and receipt or receipts described, was at the time thereof free and clear of all taxes and assessments and sales for taxes or assessments, except sales whereon the time of redemption had already expired, and the tax purchaser had received his deed.

Treasurer and
surety liable for
error.

Sec. 151. For any loss resulting to the county or to any tax purchaser or tax payer, from an error in said certificate or receipt or receipts, the treasurer and his surety shall be held liable on his official bond.

Treasurer pro-
portion and pay
fund for state
institutions
each month.

Sec. 152. All taxes for state institutions shall be collected and receipted for by the treasurer of each county as taxed for state institutions; and it shall be the duty of the county treasurer of each county, at the end of each month, to divide the fund for state institutions, giving to each state institution its respective share, and shall credit the same to the state treasury.

Treasurer as-
sess property
omitted by
assessor.

Sec. 153. When the treasurer of any county, after the tax list is committed to him, ascertains that any real estate, horses, mules, asses, cattle, sheep, goats, swine or other personal property then in his county, are omitted from the tax list, and has reason to believe that such personal property has not been taxed in any other county for that year he shall forth with [forthwith] proceed to list, value and assess said property in the same manner that the assessor or county clerk might have done and shall enter such assessment in his tax book, following the levies made and delivered to him by the clerk; and such entries shall be designated as additional assessments; and the taxes so levied and assessed by the treasurer shall be as valid for all purposes as if the assessment had been made by the assessor, anything in this act to the contrary notwithstanding.

Enter in book.

Designate as
additional as-
sessment.

Assessment
valid.

Collect as other
taxes.

Sec. 154. Such taxes shall be collected in the same manner as other taxes; and the county treasurer shall, at the time of making his settlement with the board of

county commissioners, report to them, under oath, all such taxes collected upon assessment made by him, and the amount shall be charged to him by the county clerk, and the said commissioners shall allow such treasurer, in addition to all other fees and allowances, five per cent. upon the amount collected on all taxes so assessed and levied by him.

Treasurer
report under
oath.

Fees allowed.

Sec. 155. If any county treasurer proves to be a defaulter, to any amount, of the state revenue, such amount shall be made up to the state within the next three years by additional assessments and levies, in such manner as to amount as the board of county commissioners may direct. In such cases the county shall have recourse to the official bond of the treasurer for indemnity; Provided, That payment of the subsequent tax by the county shall not be construed to release the delinquent county treasurer from his obligation to such county; and Provided further, That this section shall [shall] be construed to mean that the county may maintain an action in any court of competent jurisdiction, on the official bond of the county treasurer, in the name of the people of this state, for the recovery of such state revenue and all other sums due the county from such treasurer, at any time after such default, either before or after levying or collecting the same, as provided, in this section.

Commissioners
make up
default.

Recourse on of-
ficial bond.

County main-
tain action for
default.

Sec. 156. As between the grantor and grantee of any land where there is no express agreement as to which shall pay the taxes that may be assessed thereon, if such land is conveyed between the thirty-first (31st) day of December and the first day of the next July, then the grantee shall pay the same; but if conveyed between the thirtieth (30th) day of June and the first day of the next January, then the grantor shall pay them.

Grantee pay
taxes.

Grantor pay
taxes.

Sec. 157. If the mortgagor of lands fails or neglects to pay the taxes thereon, or permits any land so mortgaged to be sold for taxes, the mortgagee may pay said taxes or redeem the land so sold for taxes; and on the payment of any such mortgage, or in an action to enforce the same, such mortgagee may demand the taxes so paid with interest thereon at the same rate specified in the

Mortgagor
neglect to pay
taxes.

Mortgagee may
redeem.

Demand on
payment of
mortgage.

mortgage, and the same shall be included in any judgment [judgment] rendered on the mortgage; and any taxes so paid by the mortgagee shall be a lien on such land so mortgaged, until the same shall be paid.

Lien on
property.

Sec. 158. All lands and lots, and all buildings, fixtures and improvements on public lands, and all the interest or title which any person or persons owning or claiming such improvements, may have in the land upon which the same are made, on which the taxes shall not have been paid before the first day of August of each year, shall be subject to sale, as hereinafter provided for the sale of lands for taxes.

Lands, etc.,
subject to sale
for taxes.

Treasurer list
and describe
lands subject
to sale.

Sec. 159. The county treasurer shall, as soon as may be after the first day of August, and before the first day of September in each year, make out a list of all lands and town lots subject to sale, describing such lands and town lots as the same are described on the tax roll, with an accompanying notice stating that so much of each tract of land or town lots described in said list as may be necessary for that purpose will, on a day specified thereafter, and the next succeeding days, be sold by him at public auction at the county treasurer's office, for the taxes, interest and charges thereon, and taxes, interest and charges assessed against the owner thereof for personal property; Provided, however, That if such list should not be made until after the first day of September, the sale held thereunder shall not be void by reason thereof. Such notice may be in the following form:

Notice of sale.

Public auction.

Sale not void.

Form of notice.

Treasurer's Office, County,
State of Colorado.

Public notice is hereby given that I will, according to law, offer at public sale, at the office of the treasurer of the county of, and state of Colorado, on the day of, A. D. 19...., and succeeding days, commencing at the hour of o'clock a. m. of said day, so much of the following described real estate, situate in the said county on which taxes for the year (or years) 19.... have not been paid, as shall be necessary to pay the taxes hereinbelow set down, interest and penalties. to-wit:

Treasurer publish and post notice.

Sec. 160. The treasurer shall cause the said notice to be published in four consecutive weekly issues in the newspaper which has been awarded the contract by the county commissioners, the first of which publications shall be at least four weeks before the day of sale, and by a written or printed notice posted in a conspicuous [conspicuous] place on or near the outer door of the office or building commonly used as the office of the treasurer, for not less than four weeks before the sale; and if there be no newspaper published in the county, the like notice shall be given by posting one written or printed notice the above length of time in each election precinct in which any land is to be sold, and one on or near the outer door of the treasurer's office, as above provided.

Make affidavit of posting.

Sec. 161. The county treasurer shall also make, or cause to be made, an affidavit or affidavits showing the posting of such list and notice as above required, all of which affidavits shall be deposited by him with the county clerk to be by him filed and entered in the reception book of said office and there carefully preserved.

Publisher transmit affidavit.

Sec. 162. Every publisher or printer who shall publish such list and notice shall, immediately [immediately] after the last publication thereof, transmit to the treasurer of the proper county an affidavit of such publication made by such publisher, printer, or some other person to whom the fact of publication shall be known; and no printer shall be paid for such publication who shall fail to transmit such affidavit within fourteen days after the last publication. Such affidavit may be substantially in the following form, to-wit:

Failure to transmit.

Penalty.

Form of affidavit.

I, A. B., publisher (or printer) of the, a newspaper, printed and published in the county of and State of Colorado, do hereby certify that the forgoing [foregoing] notice and list were published in said newspaper, once in each week, for successive weeks, the last of which publications was made prior to the day of, A. D. 19...., and that copies of each number of said paper in which said notice and list were published

were delivered by carriers or transmitted by mail to each of the subscribers of said paper, according to the accustomed mode of business in this office.

A..... B.....,

Publisher (or printer) of the.....

State of Colorado, County, SS;

The above certificate of publication was subscribed and sworn to before me by the above named A..... B....., who is personally known to me to be the identical person described in the above certificate, on theday of.....A. D. 19....

C D

Sec. 163. It shall be the duty of the board of county commissioners of each county to select a newspaper of general circulation published in said county, in which the treasurer shall publish the delinquent tax list of their respective counties, and for such service the commissioners shall allow payment, not exceeding the rate as provided by law.

Commissioners select paper to publish lists.
Compensation.

Sec. 164. A penalty of twenty cents for each description of lot or lots, and forty cents for each description of tract or tracts of land shall be added to the amount of taxes due upon such lot or lots, tract or tracts advertised, immediatly [immediately] after advertising real estate for sale, and shall be collected by the treasurer in all cases, and such penalty so collected shall be credited to the general fund of the county. Where two or more lots or tracts of land are sold jointly, for the purpose of computing such penalty, they shall be counted as one.

Penalty for description added to amount due.
Collected for general fund.

Sec. 165. If the principal shall fail or refuse to pay any taxes assessed as aforesaid, then shall it be the duty of any agent to pay such tax of his principal, assessed as aforesaid, out of any moneys that may be in the possession of such agent, belonging to the party owing taxes aforesaid.

Principal refusing agent pay.

Sec. 166. On the day designated in the notice of sale the county treasurer shall commence the sale of those lands and town lots on which the taxes and charges

Treasurer commence sale.

Continue from day to day.	have not been paid, and shall continue the same from day to day, Sundays excepted, until each parcel shall be sold, or so much of each parcel as shall be sufficient to pay the taxes and charges thereon, including all costs and penalties. Where two or more lots or tracts of land are valued
Sell as assessed.	and assessed as one parcel, the treasurer shall sell the same as assessed. If there shall be no bid for any tract offered, the treasurer shall pass it over for the time, and shall re-offer it at the beginning of the sale next day, until all the tracts are sold, or until the treasurer shall become satisfied that no more sales can be effected, when it shall become his duty to strike off to the county the lands and town lots remaining unsold, for the amount of such taxes, interest and cost thereon. When the county treasurer has so struck off any tract of land or town lots to the county he shall issue to the county a certificate of purchase as now provided by law. Any person may, at any time within six years from the date of such certificate, deposit with the treasurer of such county the total amount due upon such certificate, due and unpaid and interest thereon since the date of such certificate, whereupon the clerk of the county shall assign such certificate to such person, and the treasurer shall give such person a receipt for any and all subsequent taxes and interest paid by such person, and thereupon such person shall be entitled to the same rights and privileges as though he were an original purchaser at the tax sale. No taxes assessed against any lands purchased by the county under the provisions of this section shall be payable until the same shall have been derived by the county from the sale or redemption of such lands.
Pass when no bids.	
Strike off unsold lands to county.	
Issue certificate of purchase.	
Any person claim for amount due.	
Clerk assign.	
Treasurer give receipt.	
Taxes on land purchased by county not payable until sale or redemption.	
Time and place of sale.	Sec. 167. The sale of lands upon which taxes remain delinquent shall commence on or before the first Monday in October of each year, and shall be held at the treasurer's office in each county.
Treasurer sell after publication.	Sec. 168. If, from any cause, real property cannot be duly advertised and offered for sale on or before the first Monday of October, it shall be the duty of the treasurer to make the sale on any subsequent day in which it

can be made, allowing time for the publication of notice, as provided in this act.

Sec. 169. When the treasurer sells any lands or lots Taxes paid in for delinquent taxes, he shall require the same to be paid cash. in cash. .

Sec. 170. When any lands or town lots are offered How lands sold. for sale for any taxes, it shall not be necessary to sell the same as the property of any person or persons; and Sale not invalid no sale of any land or town lot for taxes shall be consid- if charged to ered invalid because charged on the roll in any other wrong name. name then [than] that of the rightful owner, or charged as unknown; but such land must be in other respects suf- Sufficient de- ficiently described on the tax roll to identify it, and the scription. taxes for which it is sold be due and unpaid at the time of such sale.

Sec. 171. In all advertisements for the sale of real Abbreviations property for taxes, and in entries required to be made used to denote by the assessor, county clerk, treasurer or other officers, townships, etc. in lists, books, rolls, certificates, receipts, deed or notices, letters, figures and abbreviations [abbreviations] shall be used to denote townships, ranges, sections, parts of section, lots, blocks dates and amounts of taxes, interest, penalties, and costs.

Sec. 172. The county treasurer shall make a correct Treasurer record of all sales of real estate for taxes, in a well-bound make record. book to be kept by him for that purpose. Said book to contain:

First—The date of sale.

Items recorded.

Second—The description of each tract of land or town lot sold.

Third—The name of the owner thereof, if known.

Fourth—The name of the purchaser.

Fifth—The total amount of taxes, interest, penalties and costs at time of sale.

Sixth—Columns for amount of subsequent taxes paid by the purchaser, and the date of payment.

Seventh—To whom assigned and the date of assignment.

Eighth—Name of persons redeeming and date of redemption.

Ninth—Total amount paid for redemption.

Tenth—Name of persons to whom conveyed and date of deed.

Note fact and date of sale.

Certify copy to clerk.

Books become part of record of office.

Compensation.

He shall also note in the tax list, opposite the description of the property sold, the fact and date of such sale, and shall immediately [immediately] after such sale and completion of such record, make and certify a true copy thereof, in a well-bound book to be provided for that purpose, which shall be deposited with the county clerk of the county; and such book or books so certified shall be known as the record of tax sales of the county, and shall be in all respects a part of the records of the county clerk's office, as fully as if they had been made by the clerk; and for such service the treasurer shall receive such reasonable compensation as may be allowed by the board of county commissioners, to be paid out of the county treasury.

Lands sold to person lowering rate of interest.

Unless sold to one accepting lowest rate.

Draw interest fixed by law.

Sec. 173. That hereafter when any lands, on which taxes levied the preceding year, or any preceding year, remain unpaid, shall be offered at public sale, at the time or times provided for by law, the same shall be sold to the person who shall pay therefor the taxes, charges, costs and penalties then due thereon, and who shall further offer to accept any lower rate or rates of interest upon the amount so paid than is required by law to be paid in order to redeem land sold for the non-payment of taxes. When a lower rate or rates of interest shall be so offered, the land offered for sale shall be sold as an entirety to the person offering to accept the lowest rate or rates of interest. If no such lower rate is offered, then the amount for which any land shall be sold, shall draw interest at the rates fixed by law, and when any lands shall be bid in by the county the amount for which they shall be bid in shall draw interest at the same rates.

Real property sold as hereinbefore provided may be re-^{May be re-} deemed in the manner provided for by law, saving and ^{deemed.} except that the interest to be paid in order to secure such redemption shall be the amount fixed at the time of sale and specified in the certificate of purchase as hereinafter provided.

Sec. 174. Should any person bidding fail to pay the amount due, the treasurer may again offer the land for ^{Re-offer for} sale if the sale has not closed; and if it has closed, he ^{sale.} may again advertise it specially in the same manner as ^{Readvertise.} the original advertisement, and for not less than one week, when he may again offer and sell such lands or lots ^{Offer again.} as provided in the forgoing [foregoing] section; or the treasurer may, at his option, recover the amount bid by ^{Recover by civil} civil action brought in the name of the county in any ^{action.} court of competent jurisdiction.

Sec. 175. Omissions, errors or defects in form in ^{Omissions cor-} any assessment list or tax roll, when it can be ascertained ^{rected by as-} therefrom what was intended, may be supplied or cor- ^{essor or treas-} rected by the assessor at any time before the return of ^{urer.} the assessment roll to the treasurer, or by the treasurer [treasurer] at any time after the receipt of the said roll. When any omission, error or defect has been carried into a delinquent list, or any error appears in any publication, the list or publication may be amended by the treasurer and ^{Publication may} republished as amended, or notice of the correction ^{be amended.} may be given in a supplementary publication; but such publication must be made in the same manner as the original ^{Made as origi-} publication and for not less than one week. ^{nal publication.}

Sec. 176. The county treasurer shall make out, sign ^{Treasurer give} and deliver to the purchaser of any real property sold ^{certificate of} for the payment of taxes as aforesaid, a certificate of ^{purchase.} purchase, describing the property on which the taxes and costs were paid by the purchaser, as the same was described in the record of sales; and also stating how ^{Contents of} much and what part of each tract or lot was sold, the ^{certificate.} rate of interest bid and the total amount of all taxes, interest and costs on each tract or lot for which the

same or a portion thereof was sold as described in the record of sales, and that payment has been made thereof, with columns for subsequent taxes, If any purchaser shall become the purchaser of more than one parcel of property, the whole shall, at his request be included in one certificate. For each certificate so delivered the purchaser shall pay a fee of fifty cents to the county treasurer, and five cents additional for each tract of land therein described. Such certificate may be in the following form:

More than one
parcel may be
included.

Fee.

Treasurer's Office, County of.....
State of Colorado.

Form of cer-
tificate.

I hereby certify that at a sale of real estate, situate in the county of....., State of Colorado, for delinquent taxes for the year 19..., at the county treasurer's office in the county aforesaid on the..... day of....., 19..., in accordance with law,was the purchaser of that part of the tract (or tracts) hereinafter described as having been sold, for which he paid the respective sum or sums of money set opposite said or each tract, being the amount of taxes on the whole of said estate and for which he is to receive interest until its redemption at the rate of.....,....per cent. per annum.

Certificate as-
signable by en-
dorsement.

Sec. 177. Such certificate of purchase shall be as-
signable by endorsement, and an assignment thereof,
when entered upon the record of sales in the office of
the county clerk and treasurer, shall vest in the assignee
or his legal representative all the right and title of the
original purchaser.

Treasurer en-
dorse subse-
quent payments
on certificate
and book.

Sec. 178. Any person desiring to pay any subse-
quent taxes on any lands or town lots for which he holds
the tax certificates shall produce such certificates to
treasurer, who shall endorse thereon the amount of such
subsequent taxes and the date of payment thereof in
the book of tax sales, opposite such lands and town lots,
and the treasurer shall be entitled to receive as his fee
therefor ten cents for each tract of land therein de-
scribed. He shall also present such certificate to the
county clerk, who shall enter the amount of such tax in
the proper column in the record of tax sales in his office,
and the clerk shall be entitled to receive as his fee there-
for five cents for each tract of land therein described.

Fee.

Clerk enter in
tax sales.

Fee.

Purchaser de-
mand deed after
three years.

Sec. 179. At any time after the expiration of the
term of three years from the date of the sale of any land
(or interest in land or improvement thereon) for taxes,
under the provisions of this act on demand of the pur-
chaser (or lawful holder of the certificate of such tax
sale, other than the county wherein such property is
situated), and on presentation of such certificate of pur-
chase (or properly authenticated order of the board of
county commissioners, where the certificate has been
lost or wrongfully withheld from the owner) and proof
of compliance with the two sections next following, the
treasurer then in office shall make out a deed for each
such lot, parcel, interest or improvement so sold and re-
maining unredeemed, and deliver the same to such pur-
chaser (or lawful holder of such certificate or order);
Provided, Whenever the person so presenting such cer-
tificate, certificates, order or orders, shall be entitled to
a deed or deeds of more than one lot, parcel, interest or
improvement, the whole or any number thereof shall,
at his request, be included in one deed. The county treas-

Treasurer issue.

Include all in
one deed.

urer shall be entitled to one dollar for each such deed ^{Fees.} made and acknowledged by him, also twenty-five cents for the acknowledgement thereof, and in case any such deed shall contain more than one lot, parcel, interest or improvement, then such treasurer shall be entitled to five cents for each additional lot, parcel, interest or improvement to be paid by the person entitled to and receiving such deed. Whenever any certificate given by ^{Certificate lost.} the treasurer for any land, interest or improvement sold for taxes shall be lost or wrongfully withheld from the rightful owner thereof, and such land, interest or improvements shall not have been redeemed, the board of ^{Commissioners} county commissioners may receive evidence of such loss ^{issue proof of loss.} or wrongful detention and, upon satisfactory proof of such fact, may cause a certificate of such proof and finding, properly attested by the county clerk under the seal of the county, to be delivered to such rightful claimant, and a record thereof shall be duly made by the clerk ^{Clerk record.} in the recorded proceedings of such board. Whenever any lot or parcel of land, interest therein or improvement on land shall be bid in by or for the county at any ^{Bought by county.} tax sale, pursuant [pursuant] to the provisions of this act, and a certificate of purchase shall be made to such county therefor, the treasurer may sell, assign and deliver such certificate to any person who shall desire to ^{Treasurer sell for costs.} purchase the same upon payment to the treasurer of the amount for which such property was bid in by the county, with interest and penalties accrued thereon from the date of sale, together with the sum of one dollar for making such assignment; also the taxes assessed thereon since the date of such sale, or for such sum as ^{Commissioners} the board of county commissioners at any regular meeting may decide ^{may fix price.}

Sec. 180. Before any purchaser or assignee of such ^{Land valued above \$250.} purchaser of any land, town or city lot or mining claim, hereafter sold for taxes, of the assessed valuation of two hundred and fifty dollars or more or special assessments due either to the state or any county or any incorporated town or city within the same, at any sale

for taxes or levies authorized by the laws of this state, shall be entitled to a deed for the lands, lots or premises so purchased he shall comply with the following, to-wit:

Purchaser serve notice on person in possession. Such purchaser or assignee shall serve or cause to be served a written or printed, or partly written and partly printed, notice of such purchase on every person in actual possession or occupancy of such land, lot or premises, and also on the person in whose name the same was taxed or especially assessed, if upon diligent inquiry such person can be found in the county, or his residence without the county be known, not more than five months and at least three months before the time of making application for such deed, in which notice he shall state when he or his assignor purchased the land or lot, in whose name taxed, the description of the land or lot so purchased, for what year taxed or specially assessed, and when the time of redemption will expire. If no person is in actual possession or occupancy of such land or lot, or the person in whose name the same was taxed or specially assessed, or any of the persons having interest or title of record in or to the premises, upon diligent inquiry cannot be found in the county, and the residence of such person without the county be unknown to him, then such purchaser or his assignee shall publish such notice in some newspaper printed in such county; and if no newspaper is printed in the county, then in the nearest newspaper that is published in this state to the county seat of the county in which such land, lot or premises is situated; which notice shall be inserted three times, the first time not more than five (5) months, and the last time not less than three (3) months, before the time of making application for such deed and shall send by mail, postage prepaid, a copy of such notice to each of such persons not found to be served whose address is known or can be found upon diligent inquiry.

On person against whom assessed.

Notice give full particulars.

No person assessed or found in possession.

Publish and mail notice.

Apply for deed.

Make affidavit of facts.

Sec. 181. Every such purchaser or assignee, by himself or agents, shall, before he shall be entitled to a deed, make an affidavit [affidavit] of his having complied with the forgoing [foregoing] section, stating par-

ticularly the facts relied on as such compliance, which affidavit [affidavit] shall be delivered to the person Deliver to person executing deed. authorized by law to execute such tax deed, to be by such officer entered on the records of his office and carefully preserved among the files of his office; which record of File. affidavit shall be PRIMA FACIE evidence that such notice has been given. Any person swearing falsely in such affidavit shall be deemed guilty of perjury and punished accordingly. Penalty for false swearing.

Sec. 182. In case any such purchaser or assignee shall be compelled to publish such notice in a newspaper, then before any person who may have a right to redeem such land or lot from such sale shall be permitted to redeem, he shall pay the officer or person who by law is authorized to receive such redemption money, the amount paid for printer's fees for publishing such notice, for the Pay printer's fees before redemption. use of the person compelled to publish such notice as aforesaid.

Sec. 183. Deeds executed by the treasurer shall be substantially in the following form:

Know all men by these presents, that, whereas, the Form of deed. following described real property, viz: (description of property taxed), situated in the county of and state of Colorado, was subject to taxation for the year (or years) A. D. 19..;

And, whereas, the taxes assessed upon said property for the year (or years) aforesaid remained due and unpaid at the date of the sale hereinafter named;

And, whereas, the treasurer of the said County did, on the day of A. D. 19...., by virtue of the authority vested in him by law, at (an adjourned sale) the sale begun and publicly held on the day of, A. D. 19...., expose to public sale at the office of the treasurer, in the county aforesaid, in substantial conformity with the requirements of the statute in such case made and provided, the real property above described for the payment of the taxes, interest and costs then due and remaining unpaid on said property;

And, whereas, at the time and place aforesaid, A....
 B..... of the county of and
 of having offered to pay the
 sum of dollars and cents, being the
 whole amount of taxes, interest and costs then due and
 remaining unpaid on said property, for (here follows the
 description of the property sold) which was the least
 quantity bid for, and payment of said sum having been
 made by him to the said treasurer, the said property was
 stricken off to him at that price;

And, whereas, the said A..... B..... did,
 on the day of, A. D. 19...., duly
 assign the certificate of the sale of the property as afore-
 said, and all his rights, title and interest in said property,
 to E..... F..... of the county of and
 and of

And, whereas, the said A..... B..... (or
 E..... F.....) has paid subsequent taxes on
 said property to the amount of dollars and
 cents;

And, whereas, more than three years have elapsed
 since the date of said sale, and the said property has not
 been redeemed therefrom as provided by law;

Now, therefore, I, C..... D....., treasurer
 of the county aforesaid, for and in consideration of the
 said sum to the treasurer paid as aforesaid, and by virtue
 of the statute in such case made and provided, have
 granted, bargained and sold, and by these presents do
 grant, bargain and sell unto the said A.....
 B..... (or E..... F.....), his heirs and
 assigns, forever, subject to all the rights of redemption
 by minors, insane persons or idiots, provided by law.

In witness whereof, I, C..... D....., treas-
 urer as aforesaid, by virtue of the authority aforesaid,
 have hereunto set my hand and seal this day of
, A. D. 19....

(Seal)

C..... D.....
 Treasurer.

State of Colorado, County of, ss:

I hereby certify that before me in and for said county, personally appeared the above named C..... D....., treasurer of said county, personally known to me to be the treasurer of said county, at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to the foregoing deed, and who executed the above conveyance as treasurer of the said county, and who acknowledged the execution of the same to be his voluntary act and deed as treasurer of said county, for the purposes therein expressed.

Given under my hand and seal this day of, A. D. 19....

(SEAL)

Sec. 184. The deed shall be signed by the treasurer in his official capacity, and attested by his official seal, and acknowledged by him before some officer authorized to take acknowledgments of deeds, and when substantially thus executed and recorded in the proper record of titles to real estate, shall vest in the purchaser all the right, title, interest and estate of the former owner in and to the land conveyed, and also all right, title, interest and claim of the state and county thereto, and shall be prima facie evidence in all courts of this state in all controversies and suits in relation to the rights of the purchaser, his heirs or assigns, to the land thereby conveyed, of the following facts:

First—That the real property conveyed was subject to taxation for the year or years stated in the deed.

Treasurer sign, seal, acknowledge and record deed.

Vest title in purchaser.

Evidence.

Property subject to tax.

Second—That the taxes were not paid at any time before the sale.

Tax unpaid.

Third—That the real property conveyed had not been redeemed from the sale at the date of the deed.

Property not redeemed.

Fourth—That the property had been listed and assessed at the time and in the manner required by law.

Listed according to law.

Fifth—That the taxes were levied according to law.

Taxes levied.

Advertised.	Sixth—That the property was advertised for sale in the manner and for the length of time required by law.
Sold.	Seventh—That the property was sold for taxes as stated in the deed.
Grantee purchaser.	Eighth—That the grantee named in the deed was the purchaser or the heir at law, or the assignee of such purchaser.
	Ninth—That the sale was conducted in the manner required by law.
Treasurer die.	Sec. 185. If any county treasurer shall die, resign or be removed from office, or his term of office expire after selling any real estate for taxes and before executing a certificate or deed for the same, his successor being in office shall execute such certificate or deed, in the same manner that the treasurer making such sale might have done.
Successor execute certificate.	
Clerk enter name of grantee.	Sec. 186. When any tax deed is filed for record, the county clerk shall also enter the name of the grantee in the proper column of his record of land sold for taxes.
Action for recovery not lie.	Sec. 187. No action for the recovery of land sold for taxes shall lie, unless the same be brought within five years after the execution and delivery of the deed therefor by the treasurer, any law to the contrary notwithstanding; Provided, always, That when the owner or owners of such land, sold as aforesaid, shall at the time of the execution and delivery of the deed by the treasurer, be minor or minors, or insane or an idiot, and residing within the United States, one year after such disability is removed, it shall be lawful for such person or persons, their heirs or legal representatives, to bring their suit or action for the recovery of lands so sold, and when the recovery is affected in all cases, the value of the improvements, etc., made on the land so sold, and all taxes paid after the sale thereof, with interest thereon at the rate of fifteen per cent. per annum, shall be ascertained by the jury trying the action for the recovery, and paid by the person or persons recovering the same, before
Owners minors, etc., at time of sale.	
All costs and penalties paid by person recovering.	
Jury determine.	

he [,] she or they shall obtain possession of the land so recovered.

Sec. 188. Real property sold under the provisions of this act may be redeemed by the owner, his agent, assignee or his attorney, or by any person having a legal or equitable claim therein, at any time before the expiration of three years from the date of sale, or thereafter at any time before the execution of the treasurer's deed to the purchaser, his heirs or assigns, by the payment to the county treasurer of the proper county to be by him held subject to the order of the purchaser, of the amount for which the same was sold, with interest thereon from the date of sale, at the rate per cent. per annum bid by purchaser at such sale not to exceed the rate of twenty-four per cent. per annum for the first six months, eighteen per cent. per annum for the subsequent six months, and the remaining period the rate of twelve per cent. per annum, together with the amount of all taxes accruing on such real estate after the sale, paid by the purchaser and endorsed on his certificate of purchase, with interest thereon at the rate of twelve per cent per annum, on such taxes paid subsequent to such sale; but if the said subsequent taxes should be paid before the time when unpaid taxes levied for that year would become delinquent, interest shall only be computed from the time of their delinquency; Provided, That from the time when the purchaser is entitled to a deed, such taxes shall bear interest at eight per cent. per annum, and no more, up to the time of applying for such deed; Provided, further, That all statutory fees paid by the purchaser in connection with such certificate shall bear the same rate of interest and penalties as the original amount for which the property was sold, the same to be pro rated among the several tracts described in said certificate, but in no case to exceed ten cents each.

Property may be redeemed within three years.

Thereafter before execution of deed.

Pay all costs.

Interest computed from delinquency.

Rate.

Statutory fees.

Sec. 189. The lands of minors or any interest they may have in any lands sold for taxes may be redeemed at any time before such minor becomes of age, and during one year thereafter; and the lands of idiots and in-

Lands of minors redeemed after of age.

Of idiots, etc.,
after disability
removed.

sane persons so sold, or any interests they may have in the same, may be redeemed at any time within one-year after such disability shall be removed, or after the death of such idiot or insane person, in the manner provided in this act.

Treasurer issue
certificate of
redemption.

Sec. 190. The county treasurer shall, upon application of any party to redeem any real property sold under the provisions of this act, and being satisfied that such party has a right to redeem the same, and upon the payment of the proper amount, issue to such party a certificate of redemption, describing the tract redeemed as in the certificate of sale, and giving the date of redemption, the amount paid, and by whom redeemed, and he shall make the proper entries in the book of sales in his office.

Make entries.

Issue certificate to each of
parties owning
in severalty.

Sec. 191. In case any tract of land sold under the provisions of this act shall belong to two or more separate and distinct parties in severalty, the county treasurer shall, when satisfied of the fact, and upon application of any one of the parties or their agent or attorney, and upon the payment of the proper proportional amount, issue to such party a certificate of redemption for such parties' interest [in] said lands, as provided in section 193 of this act.

Specify interest
in undivided
estate in list.

Sec. 192. Any person who has or claims to have an interest in or lien upon an undivided estate in any piece, parcel, lot or tract of land, may specify such estate or interest in his list, to be delivered to the county assessor for assessment of taxes in like manner and with like effect as estate of entireties are specified in said list; and all such undivided estates or interests so specified shall be assessed, advertised for sale and sold for taxes, and redeemed from such sales in like manner and with like effect as estates of entireties are now assessed, advertised, sold and redeemed from sales for taxes, in the manner provided by law.

Assessed, advertised, sold
and redeemed
same as entireties.

Person may redeem his undivided interest.

Sec. 193. Any person who has or claims an interest in, or lien upon, any undivided estate, or interest in any piece of land sold for taxes, may redeem such undivided

estate or interest, by paying into the treasury his proportionate part of the amount required to redeem the whole. In such case the county treasurer shall issue to such party a certificate of redemption for his interest in such land, as provided by law.

Sec. 194. If any person shall be entitled to redeem more than one tract or lot, sold at the same sale, the treasurer shall include, at the request of the purchaser, the whole in one certificate. For each certificate so delivered, the treasurer shall be entitled to a fee of fifty cents, and five cents additional for each tract of land therein described. Said certificate may be in the following form, to wit:

Redemption Certificate No.

Treasurer's Office,

County of.

State of Colorado.

Treasurer may include more than one tract in one certificate.
Fee.

I hereby certify, that the real estate hereinafter described, situate in the county of and state of Colorado, which was sold for delinquent taxes, for the year 19...., on the day of, 19...., has this day been redeemed by by the payment to me of the (respective) sum (or sums) of money set opposite said (or each) tract, being the amount due thereon as provided by law, to wit:

DESCRIPTION OF LANDS REDEEMED.					AMOUNT PAID	
PART OF SECTION OR LOT.	Section or Block.	Township, Town or City.	Range, Division or Addition.	No. OF ACRES.	Dollars	Cents

In witness whereof, I have set my hand and seal, this
 day of, A. D. 19.....

C..... D..... (Seal)

County Treasurer.

Sec. 195. The person so redeeming any tract or Clerk record
 tracts of land shall present his certificate of redemption certificate.
 to the county clerk, who shall enter the redemption in
 the proper columns in the record of land sold for taxes,
 and shall endorse the date of such entry on the certifi- Endorse date
 cate; and such certificate and the record thereof shall be on certificate.
 PRIMA FACIE evidence of the redemption of the lands Evidence of
 therein described. redemption.

Sec. 196. County Clerks shall be entitled to a fee Fee for record-
 of twenty-five cents for each certificate of redemption, ing certificates.
 entered upon their respective records, as provided in the
 preceding section, and the additional sum of five cents
 for each tract of land or lot therein described, to be paid
 by the person making such redemption.

Sec. 197. In order to make redemption of lands of Representative
 minors, idiots, or insane persons, after the execution of pay all costs
 the tax deed, such minor, idiot, or insane person, or some and interest
 person in his behalf, shall pay to the county treasurer to redeem lands
 the sum for which such lands were sold, and the cost of of minors, after
 the tax deed and the recording of the same, with interest execution of
 fifteen per cent. per annum, and all other taxes, costs and tax deed.
 charges, which shall remain unpaid on such lands at the
 time of making such redemption, assessed thereon sub-
 sequent to the date of the assessment of the taxes for
 which the same was sold, and all other taxes assessed
 subsequent to the date last aforesaid, which shall have
 been paid by the person to whom the said lands were sold,
 or by any other person claiming under him, with interest
 thereon at the rate of fifteen per cent. per annum from
 the date of such payment, so far as such payments can
 be ascertained from the books and records in the office Books of record
 of such treasurer; and should the person to whom such determine the
 lands were sold, or any other person claiming under him, amount.
 have put on improvements necessary to enable him to Pay for im-
 provements.

Commissioners
appoint ap-
praisers.
Value of im-
provements.

Treasurer give
certificate of
redemption.

Prior deed void.

Treasurer pay
redemption
money to per-
son to whom
sold or his
assigns.

Treasurer sur-
render redem-
ption money and
claim tax cer-
tificate.

Endorse certi-
cate if but part
reclaimed.

Loss of cer-
tificate.

Owner give evi-
dence and exe-
cute bond.

Interest.

farm or raise stock upon said land, the person redeeming said land shall pay for such improvements, said improvements to be appraised by three disinterested persons, to be appointed by the board of county commissioners; Provided, That the improvements shall not exceed in value the sum of five hundred dollars to each eighty or one hundred and sixty acre lot; and for all the money so paid the treasurer shall give a certificate of redemption to the person making such payment. From the time of making the redemption hereinbefore provided, the deed given upon the same shall be void as against such minor, idiot or insane person, and all persons claiming under him.

Sec. 198. All moneys received by the county treasurer for the redemption [redemption] of lands under the provisions of the preceding section shall be paid over to the person to whom such land was sold, or those claiming under him, on his deliverance to such treasurer, for the use of the person redeeming the same, a quit claim deed of all the title to such land acquired under the sale, duly executed and acknowledged.

Sec. 199. The treasurer shall, on demand of any person entitled to redemption money in his hands, pay the same to any such person on his surrendering to him the tax certificate to such land or lot as has been redeemed. If only a portion of the land or lots described in the tax certificate shall have been redeemed, the treasurer shall endorse on such certificate the portion redeemed and the amount of money paid to each person, and shall take a receipt therefor.

Sec. 200. If there shall be a loss or wrongful detention of such certificate, and the land therein described shall have been redeemed, the owner thereof may exhibit to the treasurer evidence of such loss or detention, and upon his making the same satisfactorily to appear to the treasurer, and upon his executing a bond with sufficient surety that such person will refund such redemption money with twenty-five per cent. per annum interest thereon, if any person shall thereafter show his

right thereto, such treasurer shall pay such redemption money to the person so executing such bond. Treasurer pay.

Sec. 201. When, by mistake or wrongful act of the treasurer, clerk or assessor, or from double assessment, land has been sold on which no tax was due at the time, the county shall hold the purchaser harmless by paying him the amount of the principal, and interest, at the rate of eight per cent. per annum; and the treasurer, clerk or assessor, as the case may be, and his sureties on his official bond, shall be liable to the county [for] sales made through his mistake or misconduct. Land wrong-fully sold. County return principal and interest. Treasurer and sureties liable for error.

Sec. 202. The auditor of state shall allow to each county treasurer who shall be allowed to take credit for the amount of state tax that may have been from time to time refunded to the taxpayer, as double or erroneous assessments, or refunded to the purchaser of real estate erroneously sold. Auditor allow for double or erroneous assessments.

Sec. 203. When interest is due and allowed by the state treasurer on the redemption of auditors' warrants, the same shall be receipted on the warrants by the holder of the same, with the date of the payment; and no interest shall be allowed by the auditor of state, except such as is thus receipted. Owner of warrant receipt interest. Auditor allow no unreceipted interest.

Sec. 204. Each county is responsible to the state for the full amount of tax levied for state purposes, excepting such amounts as are certified to be unavailable, double or erroneous assessments, as provided in this act, and in all cases where any person shall pay any tax, interest or cost or any portion thereof, that shall thereafter be found to be erroneous or illegal, whether the same be owing to erroneous assessment, to improper or irregular levying of the tax, to clerical or other errors or irregularities, the board of county commissioners shall refund the same without abatement or discount to the taxpayer. County responsible to state. Commissioners refund money erroneously paid.

Sec. 205. All taxes of any kind, assessed in any county in this state, that shall have been delinquent for a period of six years, may be cancelled by the county Commissioners cancel delinquent taxes.

Satisfied taxes are uncollectible.

commissioners in their respective counties; provided, the county commissioners are satisfied that said taxes are uncollectible. The county treasurer shall keep a full and complete record of all taxes so cancelled.

Treasurer keep record.

Sec. 206. That it shall be the duty of the county commissioners, when taxes are cancelled, as provided for in section 204 to report the same to the auditor of state, who shall give the county credit for the amount of state taxes so cancelled.

Commissioners report.
Auditor give credit.

Capital stock of banking associations personal property.

Sec. 207. Shares of the capital stock of banking associations, organized or doing business within the state pursuant to the provisions of the acts of congress, held by any person or body corporate, shall be included in the valuation of the personal property of such person or body corporate, in the assessment of taxes in the county where such banking associations are located, and not elsewhere, whether the holder thereof resides there or not; and it shall be lawful for the state, county, town or municipal authorities to levy and assess upon such stock or each share thereof owned by such individual, body corporate, corporation or society, a sum equal to, but not greater, according to the value thereof than is valued and assessed upon other moneyed capital in the hands of individual citizens in this state; provided, that the tax so imposed under this act, upon the value of shares of such national banks, shall not exceed the rate imposed upon the value of shares in any of the banks or banking associations organized under the authority of the state of Colorado or of the late territory of Colorado; provided, also, that nothing herein shall exempt the real estate of such banking associations from either state, county or municipal taxes, but the same shall be taxed according to its value, as other real estate is taxed.

Assessed in county where association is located.

Authorities assess as upon other money.

Not exceed rate upon other associations.

Not exempt real estate of association.

Officers give assessor list of shares and owners.

Sec. 208. The president, cashier or principal accounting officer of any banking association, state, national, or otherwise, between the first day of May and the first day of June of each year, shall list the shares of the association, giving the assessor the name of each person owning shares, and the amount owned by each;

and such capital stock shall thereupon be assessed by the assessor, in all respects the same, as similar property belonging to other corporations and individuals; and for the purpose of securing the collection of taxes assessed upon said shares, each banking association shall be liable to pay the same as the agent of each of its shareholders, under the provisions of the last preceding section, and the association shall retain so much of any dividend belonging to any shareholder, as shall be necessary to pay any tax levied upon his shares; and if neither the said president, cashier or accounting officer shall comply with the provisions of this section, the association shall be liable to pay the tax upon all the said shares, and its and its lands may be sold, or its moneys, goods and personal effects distrained for the payment thereof, with like effect as if the tax were assessed against such association.

Assessed as similar property.
Association liable as agent of shareholders.
Retain dividend to pay tax.
Officers refuse—association liable.
Property may be held.

Sec. 209. If at any time congress shall amend the acts aforesaid, then each assessor shall assess the shares in any national bank in such manner as to conform to such amended act of congress.

Congress amend act.
Assessors conform.

Sec. 210. It shall be the duty of the cashier, or some other officer of each national bank and each banking association and trust company, incorporated under the laws of this state, to, between the first day of May and the first day of June, in each year, make and deliver to the assessor, a sworn statement of the true condition of said association, as the same appears on the books thereof on May first, of that year. The said officer of said banking association shall, at the same time, make a sworn statement to the assessor, of the market value of the stock of said association, or, if it had no market value, then the actual book value thereof.

Officers make sworn statement of condition, and of value of stock.

Sec. 211. Every person or company engaged in the business of pawnbroking receiving property in pledge or as security for money or other thing advanced to the pawnor or pledger, shall be held as a pawnbroker, and shall, at the time required in this act, return, under oath, the value of all property pledged and held by him

Pawnbroker return value of property pledged.

Taxed at full value.

as a pawnbroker on hand, on the first day of May, annually, and taxes shall be charged upon the full cash value of such property to such pawnbroker, the same as other property.

Commissioners procure abstract of real estate subject to taxation. Plat.

Sec. 212. The county commissioners of each county, shall, from time to time, procure from the proper land office, an abstract of the real estate entered and subject to taxation under this act, in the county, and shall cause a map or plat of such county to be made, upon which the land so entered shall be designated.

Commissioners furnish blank schedules.

Sec. 213. Before the first day of January in each year the county commissioners of each county shall cause to be furnished to the assessor, suitable blank schedules for assessment, in accordance with the form prescribed by the auditor and such instructions as shall be necessary to secure full and uniform assessments and returns.

Form.

Commissioners order levy of annual tax.

Sec. 214. On the first Monday in November in each year, the board of county commissioners shall by an order to be entered of record among their proceedings, levy the requisite tax for the year, for school and other county purposes as required by law, and the same may be levied at any time prior to the first Monday of November, if the statement of the rate of tax to be levied for state purposes has been received from the auditor. If, for any cause, the commissioners shall not be able to levy such taxes on or before the first Monday of November, in any year, they may make such levy at any time.

Constitute board of equalization.

Sec. 215. The county commissioners of each county shall constitute a board of equalization for the adjustment and equalization of the assessment among the several taxpayers of their respective counties. Said board shall hold two regular meetings in each year, at the office of the county clerk, at the county seat, as follows, viz.: Commencing on the first Tuesday in October, and continuing not less than three nor more than ten consecutive days, and on the third Tuesday of October, and continuing not less than two nor more than ten consec-

Regular meetings.

utive days. The board shall notify the assessor to supply Notify assessor of omissions. any omissions in the assessment roll, which may come to their notice. In case any material changes are made Order changes. or directed by said board in the assessment of any person or persons, at said first meeting, the county clerk shall, Clerk mail notice. as soon as may be after the close of said meeting, mail to each of such persons, prepaying the postage thereon, a notice of such change. Such notice by mail shall be Notice deemed sufficient. deemed personal and sufficient, if properly addressed to such person or persons at the postoffice nearest their respective places of residence. The board shall, at its second meeting, sit to hear complaints, only from those Board hear complaints. dissatisfied with said changes, and to adjust the assessment so as to equalize the same among the several taxpayers of the county. Provided, that in case the time specified herein for either of said meetings shall prove too short for the full consideration of all cases for adjustment, the Extend time of meeting. board of county commissioners may, by order of record, extend the time of either of such meetings to such day, as, in their judgment, the business of such meetings, or either of them may require, such extension not to exceed ten days in any case.

Sec. 216. The county clerk shall give at least ten Clerk publish or post notices. days' notice by publication, or by posting written or printed notices of the time and place of the first meeting of the county board of equalization.

Sec. 217. When any live stock is driven into a Live stock assessed where grazing. county for the purpose of grazing therein, at any time in any year, it shall be liable to be assessed for all taxes leviable in that county for that year, the same as if it had been in the county at the time of the annual assessment, and it shall be lawful for the county assessor in each county of the state of Colorado, to assess cattle, sheep and horses, as of any date such assessor may desire, providing that the same shall be assessed as of some day between the first day of January and the thirty first day of December in each year. If the owner of any cattle, sheep or horses, between the first day of January and the thirty first day of December in each year, or at any

Owner threaten to remove from state.	time thereafter, before a tax upon the same is paid, threatens to remove or cause the same to be removed from the state of Colorado, it may and shall be lawful for
Assessor make return.	the assessor of the county in which said stock is situated to make immediate return of his tax schedule of the same
Treasurer issue distraint warrant.	to the county treasurer, and it shall be lawful for the treasurer of the proper county to immediately issue a distraint warrant against the owner for the amount of said
Tax computed.	tax, which said tax shall be computed at the levies made by the county commissioners of the said county for the
Sheriff serve warrant.	year previous, and the sheriff of the proper county shall immediately serve the same distraint warrant; Provided,
Tax paid in other county.	That the owner or owners of any such cattle, horses or sheep have not paid a full and equitable tax upon the
Owners not make just return.	same in some other county of this state; and, Provided, further, That the owner or owners of any such sheep, cattle or horses have not made a just and proper and
	equitable return of said horses, cattle or sheep, to the county assessor of the county in which such stock is lo-
Warrant directed to any sheriff.	cated. A distraint warrant issued under this act may be directed to the sheriff of any county in this state; Provided, further, That it shall be the duty of the county
Assessor give certificate.	assessor, when required by the person having such stock in charge, to give a certificate of assessment, stating the
Evidence.	number, kind and value of stock assessed, and such certificate shall be sufficient evidence of a legal assessment of
Certificate obtained fraudulently.	such stock for that year; and, Provided, further, That if any assessor shall fraudulently give to any person such certificate, or if any person shall in any man-
Penalty.	ner illegally obtain such certificate, every person so offending shall, on conviction, be fined in any court
	of the state, having competent jurisdiction, in any sum not exceeding one thousand dollars, or im-
Fines for use of county.	prisonment in the county jail not exceeding six months or both at the discretion of the court. All fines
Owner remove stock without paying.	imposed under this section shall be for the use and benefit of the county in which the assessment should be properly
	made. If, at any time after the assessment thereof, the owner or other person shall remove, or cause to be re-

moved from the county in which the assessment was made, without paying the taxes thereon, any horses, cattle, mules, asses, sheep, goats or other property, it shall be the duty of the county treasurer of the county in which assessment was made, to send to the clerk of the county to which such animals or property shall have been removed and where they shall then be, a copy of said assessment as found upon his books, whereupon the said clerk shall deliver the same to the treasurer of his county, charging him therewith, and the said treasurer shall proceed forthwith to collect said taxes, with five per cent. penalty for collecting, and if not paid upon demand, may proceed by distraint as provided in this act, and after deducting from the taxes so collected, his percentage, the remainder shall be paid over to the treasurer of the county in which the assessment was made. Any cattle, horses, sheep or other stock brought into this state between the first day of January and the thirty-first day of December of any year shall be assessable in this state for that year regardless of whether or not any taxes have been paid on said stock in any other state or territory for that year.

Treasurer send copy of assessment to clerk.
Clerk charge to treasurer.
Treasurer collect with penalty.
Not paid on demand.
Proceed by distraint.
Pay to treasurer where assessment made.
Tax paid in other state or territory—still due.

Sec. 218. The state board of equalization shall sit on the first Monday of October in each year, at the executive office, for the purpose of examining, adjusting and equalizing the assessments in the several counties of the state.

State board of equalization meet.

Sec. 219. The board shall have the power to either increase or decrease the aggregate valuation of all taxable property, not to exceed in any year ten per cent. of such aggregate valuation, and only as an incident to such equalization.

Change aggregate valuation.
Limit.

Sec. 220. Said board, at its October meeting, shall also be authorized to correct any error or mistake made by them in assessing the property required to be assessed by said board.

Correct error.

Sec. 221. On or before the third Monday of October in each year the board shall complete the equalization

Complete equalization.

Auditor trans-
mit changes.

and the state auditor shall transmit to the clerk of each county a statement of the changes, if any, which have been made in the assessments, and the rate of tax which is to be levied and collected within his county, which shall not exceed the limit permitted by the Constitution; and when the board fixes no different rate, or if for any reason the board fails to sit, or the county clerk should fail to receive the statement of the rate of tax ordered by them, that rate shall be the same as levied for the preceding year; and the assessor of each county in making up the tax list, shall compute and carry out in the proper column a state tax at the rate aforesaid. Any assessor failing herein may be fined in any sum not less than five hundred nor more than three thousand dollars, to be recovered by action of debt in the name of the people of the state of Colorado, in any court of competent jurisdiction.

Rate same as
previous year.

Assessor
compute.

Failure.

Penalty.

Recover.

Railway, etc.,
company de-
linquent.

Sec. 222. If taxes shall become delinquent upon the property of any railway, telegraph or telephone company, express company, fast freight company, palace car or sleeping car company, or any other corporation whose properties are assessed by the state board of assessors, the treasurer of the county in which the principal office in this state of such corporation is maintained, may distrain and sell any of the personal property of such corporation, wherever found, in the manner as other personal property is to be distrained and sold for the non-payment of taxes.

Treasurer dis-
train personal
property.

Rolling stock
sold.

Sec. 223. The rolling stock of railway corporations, found elsewhere than upon the railways of such corporations, respectively, may be distrained and sold as personal property. Such treasurer shall, in case by [of] distraint of the personal property, the whole tax is not realized, sell en masse, as one property, the railways, telegraph wires, telephone wires and other properties, tangible and intangible, for the satisfaction of the residue of the tax; and such sale shall transfer to the purchaser not only the tangible property, but equally all intangible rights and properties whereunto, on the first day of May

Personal prop-
erty insufficient.

Treasurer sell
en masse.

Sale transfer
both tangible
and intangible
property.

of the fiscal year for which the tax was levied, the corporation was entitled.

Sec. 224. The rolling stock of every railroad corporation, not previously distrained and sold, pursuant to the provisions hereof, wherever such stock may be, and whether within or without this state, shall be deemed and taken to be parcel of the railway, and shall pass with the railway to the purchaser thereof, at any such sale.

Rolling stock
pass with sale.

Sec. 225. The cars of every express company, palace or sleeping car company, fast freight company and all other railway cars assessed by the state board of assessors pursuant to the provisions hereof, and the intangible rights and properties of all corporations and persons operating such cars held, used and enjoyed by such corporations or persons, for the operation and enjoyment of or in connection with such railway cars, shall be deemed personal property. And the purchaser at any sale thereof shall be entitled to immediate possession of such railway cars, not belonging to any railway company on the first day of May of the fiscal year for which the tax is levied, and to immediately enter into all enjoyment of all such intangible rights and properties, in the same manner and to the same extent as the same were before such sale enjoyed by such corporation or person theretofore the owner of such cars.

Personal property of express, etc., company.

Purchaser entitled to immediate possession.

Sec. 226. Any railroad or telegraph or telephone wire, with the appurtenances thereof, may be redeemed from any sale, made pursuant to the provisions hereof, within the same time and upon payment of like penalties, interests and costs, as herein above provided to be paid for the redemption of lands from tax sales.

Wire of telegraph company may be redeemed.

Sec. 227. Every corporation or person exercising any franchises, privileges or intangible rights under the grant of this state or any municipal corporation or other corporation or person, shall set down in the schedule of his taxable property required to be returned pursuant hereto, a description of such franchises, privileges and intangible rights, and every thereof, sufficient to identify the same,

Corporation describe franchises in schedule.

Specification.

specifying as to such franchise, privilege or intangible right, the date of each act, municipal ordinance, contract or grant, conferring the same, the name of the municipal corporation, corporation or person granting the same, and, in brief, the nature and extent of the franchise or right or privilege granted.

Section applies to all corporations.

This section shall apply to all corporations and persons whomsoever, as well quasi-public corporations as those strictly private.

Taxes of corporation become delinquent.

Sec. 228. If any of the taxes levied upon the properties of any corporation or person, whose properties are assessed by the state board of assessors pursuant hereto, situate in any county other than that of the principal office of such corporation or person in this state, shall become delinquent, the treasurer of such county shall certify a copy of that part of the tax list and warrant in his hands, so far as the same relates to the properties of such corporations or persons, to the treasurer of the county where the principal office of such corporation or person, in this state, is kept; and the treasurer of the last named county shall proceed to collect the tax set down in the certified copy of such tax warrant, in the same manner as if the same were set down in the tax warrant of his own county. Such certified copy of the tax warrant of any county shall include and set down the properties of every such corporation or person, the tax upon whose properties, assessed by the state board of assessors pursuant hereto, shall at the time be delinquent.

Treasurer certify copy to treasurer where main office is situated.**Treasurer collect.****What warrant include.****Properties in more than one county.**

Sec. 229. Whenever a corporation is possessed of any works or properties situate in more than one county, as irrigating canals, reservoirs and like properties for collecting in one county waters to be conveyed to and distributed in another county or counties, or pipes, conduits and like properties for conveying water from one county to another county or counties, there to be distributed, the said works and properties, in case of non-payment of the tax thereon in either county shall be collected in the same manner specified in the last preceding section.

Non-payment. Collect as above.

Sec. 230. A tunnel excavated for the mere purpose of exploration and discovery of mines in the public domain shall be deemed real estate, and may be taxed by the name of such tunnel. The mines discovered in such tunnel shall be parcel thereof. A tunnel excavated for the drainage or exploration of, or for giving access to, the mines of those excavating such tunnel, shall be deemed an appurtenance to such mines. A tunnel excavated for the draining or operation or giving access to the mine of others than those excavating such tunnel shall be deemed real estate and taxed by its name, and if situate partly in one county and partly in another or other counties, the tax shall be collected in the same manner hereinbefore specified for the collection of the tax upon other properties situate in different counties.

Tunnel deemed real estate.

Mines discovered, parcel.

Draining tunnel deemed appurtenance.

If in two counties collect as above.

Sec. 231. The properties of railroad companies, telegraph and telephone companies, ditch companies, companies supplying water to cities and towns, tramway companies, city railway companies and other like properties, in their nature indivisible or which can not be divided without impairing the value thereof, shall not be divided or sold in separate parcels for the non-payment of taxes thereon, but shall be sold en masse; Provided, That if any person will pay the tax upon such properties for an undivided share or interest therein, such undivided share or interest shall be sold in lieu of the whole property.

Properties in nature indivisible sold en masse.

Undivided share sold in lieu of whole.

Sec. 232. Wherever a group of mines or contiguous lode mining claims operated through or by means of the same shaft, tunnels or other workings, or placer mining claims operated by means of the same ditch, canal or other works, are situate partly in one county and partly in another county or counties, the treasurer of the county in which is situate the lesser area of such mining claims or mining lands, shall certify a copy of his tax warrant, so far as the same relates to such mining claim or mining lands, to the treasurer of the county in which is situate the greater area of such mining claims or mining lands, and the treasurer of the last named county shall

Mines in more than one county.

Treasurer in county of lesser area certify to treasurer of county of greater area.

Treasurer collect by sale of a part or the whole.

proceed to collect the tax, and unless by the sale of some undivided interest therein the whole tax can be made, shall sell the whole of such mining claims and mining lands, both that within his own county and that within the other county or counties, en masse and as one body and tract of land.

Corporation operating ditch for other than irrigation, make additional description.

Sec. 233. Every corporation or person operating a ditch or canal for the distribution and sale of water to other than shareholders in such corporation, or for any other purpose than the irrigation of lands, must, in his or its schedule, in addition to the other matters herein required to be stated by corporations, set down the name of his ditch or canal, the stream or streams from which water is taken, the section, township and range, and the quarter section at which water is diverted from such stream, the course and place of such ditch or canal, the place, location and size of all reservoirs used in connection with the said ditch or canal, and the course and location of all branches or feeders used in connection with the said canal for receiving or distributing the water, and the purpose to which the water is devoted.

Assessor set down sufficient for identification.

Sec. 234. The assessor shall set down in the assessment roll the name of such canal and a general description thereof, the place from which the water is taken and the course or location of the canal, and all of the reservoirs, branches and feeders, sufficient to identify the property.

Corporations operating railway make additional descriptions in schedule.

Sec. 235. Every corporation, association or person operating any railway or tramway, electric road, cable road or street railway, located in the streets of any city or town or upon any public road, shall, in addition to the other matters required to be set down in the schedule of property of corporations, specify the particular streets, alleys and public roads by it occupied by its railway, tramway, cable road and other structures; the number and date of the municipal ordinance, resolution or other public grant authorizing the occupation of such street, alley or public place, and the date when, by the terms of

such ordinance or grant, its right expires; also the particular description of all grants occupied or used in connection with such railway, tramway, cable road or electric railway for depot, station, power house or other purpose whatsoever.

Sec. 236. The assessor shall set down in his assessment roll a brief description of such franchise, giving the date and number of municipal ordinances or other grants, and all such franchises or rights to occupy any street, alley or public road, and all such depots, stations, power houses and other properties used in connection with such railroad, shall be set down in the assessment roll and taxed with the said railroad, cable road or other city railway, as one property, and in case of non-payment of the tax, the same, together with the railroad, tramway, cable road or other city railway, shall be sold by the treasurer of the county where the principal office of said person, association or corporation operating such tramway, cable road, electric road or other city railway, may be kept.

Assessor describe in roll and treat as one property.

Non-payment.

Treasurer sell.

Sec. 237. Redemption may be made from the sale of any such tramway, cable railway or other city railway for the non-payment of the tax, within the same time, upon the payment of the same penalties, interests and costs, as in the case of lands sold for non-payment of taxes.

Redemption.

Sec. 238. If at any tax sale no person shall bid for a purchase of the properties of any railway company, telegraph or telephone company, express company, fast freight company, palace or sleeping car company or other corporation or person operating railway cars on a railroad not his own or its own property, or the property of any street railway company, cable company, electric railway company, tramway company or ditch company, and the treasurer having authority to collect the tax shall present a petition in the district court of his county setting forth the levy of the tax and non-payment thereof, and such district court shall thereupon appoint a receiver to take possession of and operate the properties of said company so delinquent until from the net proceeds of the

No one bid on property of railroad.

Treasurer petition court.

Court appoint receiver.

Receiver operate until obligations discharged.

Power of
receiver.

Encumbrancers
need not be
made parties.

Court permit to
become party.

Acts repealed.

operation thereof such taxes and all taxes thereon accruing in the meantime shall be paid and discharged. Such receiver shall have such power and authority as to the court shall seem necessary, fitting and proper and according to the practice of courts of equity. Encumbrancers and those claiming under the corporation or person in whose name the properties are taxed, whether before or after the assessment, need not be made parties to such petition, but if any such party shall appear to contest the validity of the tax, or to assert any irregularity invalidating the tax, or that the tax has been paid, the court shall permit him to become a party to such petition with like effect as if named as defendant therein.

Sec. 239. Chapter XCIV of the general statutes, "An act to provide for the payment of county and road taxes in cash, and to repeal all laws in conflict herewith", approved April 7, 1885, "An act to amend certain sections of chapter XCIV, entitled 'Revenue', of the general statutes of the state of Colorado, and to repeal all conflicting acts," approved April 7, 1885, "An act to repeal section 96 of an act entitled 'An act to provide for the assessment and collection of revenue, and to repeal certain acts in relation thereto, approved March 20, 1877', and to enact other provisions in lieu thereof," approved April 4, 1885, "An act relating to the taxation of rolling stock, telegraph and telephone lines, and the equalization of the same by the state board of equalization," approved March 31, 1885, "An act to amend section 119 of chapter 94 of the general statutes of the state of Colorado, entitled 'Revenue,'" approved April 7, 1885, "An act entitled an act to provide for the taxation of mines and mining property in Colorado," approved April 4, 1887, "An act to provide for an appeal from the board of county commissioners upon disallowance of petition for modification of assessment," approved March 28, 1889, "An act to amend section eighty-three (60), chapter XCIV, of the general statutes of Colorado, entitled 'Revenue', the same being general section 2894 thereof," approved April 20, 1889, "An act to provide for the better assessment and

collection of revenue, to prescribe the duties of the state board of equalization and county officers in relation thereto, to provide a penalty for the failure or neglect of duty in connection therewith, and repealing all acts or parts of acts in conflict with this act," approved April 17, 1889, "An act entitled an act to provide for the payment of taxes twice a year and to amend sections seventy-six (53), one hundred (61), one hundred one (62), one hundred six (68), one hundred ten (72), of chapter XCIV, of the general statutes of Colorado, entitled 'Revenue', the same being general sections twenty-eight hundred and eighty-seven, twenty-nine hundred and eleven, twenty-nine hundred twelve, twenty-nine hundred seventeen and twenty-nine hundred and twenty-one thereof; and to amend an act entitled, "An act to amend section eighty-three (60) chapter XCIV, of the general statutes of Colorado, entitled 'Revenue', the same being general section twenty-eight hundred and ninety-four thereof, approved April 20, 1889, and to repeal all acts or parts of acts in conflict therewith," approved February 28, 1891, "An act authorizing the transfer of certain delinquent personal taxes from one county to another in certain cases," approved March 26, 1891, "An act to amend an act entitled an act to amend certain sections of chapter entitled 'Revenue', of the general statutes of the state of Colorado, and to repeal all conflicting acts, approved April 7, 1885," approved April 6, 1891, "An act to provide for the better assessment and collection of revenue; to prescribe the duties of the state board of equalization, state and county officers in relation thereto; to provide a penalty for failure or neglect of duty in connection therewith, and to repeal all acts or parts of acts in conflict with this act." approved April 13, 1891, "An act entitled an act to amend sections nine (9), ten (10), eleven (11), nineteen (19), twenty-one (21), twenty two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-eight (28), twenty-nine (29), and thirty (30), of an act entitled 'An act to provide for the better assessment and collection of revenue; to prescribe the duties of the state board of

equalization, state and county officers in relation thereto; to provide a penalty for the failure or neglect of duty in connection therewith, and to repeal all acts or parts of acts in conflict with this act,' approved April 13th, 1891, to amend sections fifty-two (52), fifty-three (53), fifty-four (54), fifty-five (55), fifty-six (56), fifty-seven (57) and fifty-eight (58), of chapter XCIV of the general statutes of Colorado entitled 'Revenue,' the same being general sections twenty-eight hundred and sixty-three (2863), twenty-eight hundred and sixty-four (2864), twenty-eight hundred and sixty-five (2865), twenty eight hundred and sixty-six (2866), twenty-eight [hundred] and sixty-seven (2867), twenty-eight hundred and sixty-eight (2868), and twenty-eight hundred and sixty-nine (2869) thereof; and to repeal section forty-seven (47) of chapter XCIV of the general statutes of Colorado, entitled 'Revenue', the same being general section twenty-eight hundred and fifty-eight (2858) thereof". approved April 10, 1893, "An act to provide for the assessment and collection of revenue from undivided estates and lands," approved April 8, 1893, "An act to exempt real and personal property of any post or organization, whether a corporation or not, of members of the Grand Army of the Republic, if used for relief and charitable, purposes, from taxation,' approved April 8, 1893, "An act to amend an act entitled an act to amend section 119 of chapter 94 of the general statutes of the State of Colorado, entitled 'Revenue', approved April 7, 1885," approved April 8, 1893, "An act to make the giving of notice to parties interested a condition precedent to obtaining a deed for lands sold for taxes, and to repeal all acts and parts of acts in conflict herewith," approved April 7, 1893, "An act entitled an act to amend an act entitled 'An act to provide for the payment of taxes twice a year, and to amend section seventy-six (53), one hundred (61), one hundred and one (62), one hundred and six (68), one hundred and ten (72), of chapter XCIV of the general statutes of Colorado, entitled 'Revenue', the same being general section twenty-eight hundred and eighty-seven (2887), twenty-nine hundred and eleven (2911), twenty-

nine hundred and twelve (2912), twenty-nine hundred and seventeen (2917), twenty-nine hundred and twenty-one (2921) thereof, and to amend an act entitled, 'An act to amend section eighty-three (60), chapter XCIV, of the general statutes of Colorado, entitled "Revenue", the same being general section twenty-eight hundred and ninety-four (2894) thereof', approved April 20, 1889, and to repeal all acts or parts of acts in conflict therewith, approved February 22, 1891," approved April 8, 1893, "An act in relation to state revenues," approved April 3, 1893, "An act concerning penalties and interest on delinquent taxes, and providing for the manner of advertising and collecting the same, and repealing all acts in conflict therewith," approved March 3, 1894, "An act to provide for the assessment and taxation of railroad cars other than those which are the property of railroad companies," approved April 1, 1897, "An act in relation to revenue, and amending general section twenty-eight hundred and twenty-four of the general statutes of the state of Colorado, 1883, the same being section 3776 of Mills' Annotated Statutes," approved April 4, 1899, "An act to facilitate the collection of public revenue," approved April 6, 1899, "An act to amend section six (6) of an act entitled 'An act concerning penalties and interest on delinquent taxes, and providing for the manner of advertising and collecting the same, and repealing all acts in conflict therewith, approved March 3, 1894,'" approved April 28, 1899, "An act to provide for the taxation of lands chiefly valuable for coal, iron, stone, clay, asphaltum and other line metals and minerals, and repealing all acts in conflict therewith," approved April 8, 1899; that section one (1), two (2), three (3) of an act entitled "An act to provide for the better assessment and collection of revenue, to prescribe the duties of the state board of equalization. state and county officers in relation thereto, to provide a penalty for the failure or neglect of duty in connection therewith, and to repeal all acts or parts of acts in conflict with this act, approved April 13, 1891," be and the same is hereby repealed, and all other acts and parts of

Not affect
matters before
pending.

acts in conflict with the provisions of this act are hereby repealed. Nothing in this act shall be held to apply to, or in any manner affect, any assessment, levy, tax, tax certificate, tax sale, tax deed, tax warrant, suit, lien, claim, demand, vested right, indictment, information, prosecution, trial, writ, warrant, writ of error, appeal, judgment, sentence or other proceedings, in any cause now pending in any courts of this state, had, brought, or to be brought under the provision of any law repealed by this act upon anything prior to the repeal of said acts or parts of acts hereby repealed, but the same shall be held, conducted, inquired of, prosecuted, litigated, adjudged and determined as provided for by the laws in force before and at the time this act takes effect.

If act unconsti-
tutional asses-
sor proceed to
assess at full
cash value.

Sec. 240. If any mode herein provided for the assessment of any kind of property herein specified shall be declared unconstitutional, then the assessor of any county, wherein any such property shall be located, shall proceed to assess any such property at its full cash value.

Emergency.

Sec. 241. In the opinion of the general assembly an emergency exists requiring that this act shall take effect from and after its passage, and the same shall take effect from and after its passage.

Approved April 5, 1901.

CHAPTER 95.

ST. LOUIS WORLD'S FAIR.

(H. B. No. 287, by Mr. Bell.)

AN ACT

TO PROVIDE FOR THE COLLECTION, MANAGEMENT AND DISPLAY OF THE RESOURCES AND PRODUCTS OF THE STATE OF COLORADO AT THE ST. LOUIS WORLD'S FAIR OF 1903, CELEBRATING THE LOUISIANA PURCHASE CENTENNIAL; CREATING A BOARD OF ST. LOUIS WORLD'S FAIR MANAGERS, AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That for the purpose of exhibiting the Exhibition. resources, products and general development of the state of Colorado at the St. Louis World's Fair of 1903, celebrating the Louisiana Purchase centennial, to be held at St. Louis, Missouri, a commission is hereby constituted, to be designated "The Board of St. Louis World's Fair Managers of Colorado", which shall consist of five (5) persons, Board of St. Louis world's fair managers of Colorado. one of whom shall be the governor of the state, who shall be the president of the board, to be organized and continue its duties as hereinafter provided. Membership.

Sec. 2. The governor shall appoint the four (4) members of said commission within thirty days after the passage of this act, and at the time of making such appointments he shall name one of said members as commissioner-in-chief of said commission, whose authority, qualifications and duties shall be hereinafter prescribed, and who shall hold such office until December 31, 1903. Governor appoint commission. Commissioner-in-chief.

Sec. 3. The members of said commission shall meet in the state capitol building within fifteen days of the Meet and organize.

Officers. date of their appointment, and at once enter upon the discharge of their duties and effect an organization by the election of a vice president, a secretary and a treasurer. Treasurer give bond. The treasurer shall give bond to the state in the sum of ten thousand dollars (\$10,000), with sureties to be approved by the governor and conditioned for the faithful performance of his duties. Three members of said commission shall constitute a quorum for the transaction of business; and the commission shall have power to make Government. such rules and regulations for its own government as it may deem necessary, which shall not be in conflict with the provisions of this act.

Regular meetings. Sec. 4. Regular meetings of said commission shall be held in the capitol building in a room which shall be provided for that purpose by the state board of capitol managers, on the first Monday of each month, and special meetings may be called, upon due notice thereof, by Special meetings. the commissioner-in-chief, or the president, when it shall be deemed necessary; Provided, however, That after the opening of the exposition and during its continuance, the Headquarters. the headquarters of said commission shall be in the city of St. Louis, Mo., on the exposition grounds, where the regular meetings shall be held.

Board have charge of preparation and exhibition. Sec. 5. Said board shall have charge of the interests of the state and its citizens in the preparation and exhibition at the St. Louis World's Fair of 1903, of the natural and industrial products of the state, and of objects illustrating its natural progress and material and mental welfare and future development, and of all exhibits collected by and turned over to them by any of the counties in this state, under the provisions of this act, and all other matters relating to the said St. Louis World's Fair; it shall communicate with the officers of said St. Louis Disseminate information. World's Fair and obtain and disseminate through the state all necessary information regarding said exposition, and in general have and exercise full authority in relation to the participation of this state and its citizens in the St. Louis World's Fair of 1903. The board shall collect and supervise the preparation and publication of

such data regarding the resources and the natural and industrial products of the state of Colorado as shall be deemed advisable, and to that end shall have power to communicate with all the said officers and other citizens of the state to furnish intelligent and interesting articles on all the natural and industrial products of various industries of the state, and shall be authorized to employ all clerical help that may become necessary; Collect and publish necessary data. Provided, the expense of such help shall not exceed the sum of twenty-five hundred dollars per year. Employ clerical help. Said board shall have authority to collect and arrange an exhibit of all the resources and products of the state of Colorado, which shall be placed on exhibition at the St. Louis World's Fair of 1903, under the charge and control of the said board. Limit of expense. Collect and arrange exhibit.

Sec. 6. The board of county commissioners of the several counties of this state may make such provisions as to them may seem proper for the purpose of enabling their respective counties to secure representation of its resources and products at the St. Louis World's Fair of 1903, and the funds so appropriated by any county shall be expended in said county in the collection and preparation of exhibits from this state under the control and management of some suitable citizen or citizens of said county, to be selected by the county commissioners and recommended by them to the president of the board of managers of the St. Louis World's Fair of 1903, who shall appoint such person or persons in each county making an appropriation, and such person shall collect the exhibits under the general direction of the managers and prepare the same for shipment, and when so prepared they shall be taken charge of by said board and the expenses incident to transporting and placing the same on exhibition shall be paid to the treasurer by said board. County commissioners provide for county representation. Appoint persons to collect and take charge of exhibits. Treasurer pay expense.

Sec. 7. The commission shall be authorized to solicit and collect subscriptions of cash from boards of county commissioners, municipalities, corporations and individuals, which subscriptions shall be used to defray, in part, the expenses of the commission as it may direct, or any member may be so authorized by the commission, Commission solicit cash subscriptions.

and to that end the boards of county commissioners of the several counties of the state, and the city councils and boards of aldermen of the several cities and towns of the state shall be and hereby are authorized under this act to make such appropriations towards the expenses of the commission as they may deem proper. .

Make appropriation.

Sec. 8. The said board is authorized and required to call on all institutions of the state, supported in whole or in part by the funds of the state, for aid or assistance, for any collections, cabinets, productions or articles of interest in their possession, and such as they are able to collect with the means at their disposal. And they shall deliver such articles to the state board of managers for the exhibition at the St. Louis World's Fair of 1903; Provided, All said collections or exhibits shall be under the charge of said board, which shall be responsible for the return to the state institutions of any collections so furnished, and shall give a bond to said institutions in a sufficient sum, guaranteeing the return of such collections.

Board call on state institutions for assistance.

Deliver to managers of exhibition.

Board responsible for collections.
Give bond.

Sec. 9. From and after the date of the first meeting and organization of the commission the commissioner-in-chief shall devote all of his time to the duties of his position, and shall receive as compensation for his services as such the sum of twenty-five hundred dollars per annum, payable monthly, and in addition thereto his actual and necessary expenses when absent from the city of Denver; and all other members of said commission shall receive as compensation for their services the sum of five dollars per day for each day they are actively engaged in the discharge of their duties hereunder, and actual necessary expenses for travel and subsistence when absent from home on the business of the commission.

Commissioner-in-chief give entire time.
Compensation.

Actual expenses.
Compensation of other members.

Expenses.

Sec. 10. No officer of the commission nor any member thereof shall in any way or manner contract any indebtedness or create any liability whatsoever on account of said commission without having first obtained authority from the commission. The commission shall audit

Not create indebtedness.

all accounts and issue vouchers for the payment of all items, such vouchers to be directed to the treasurer of the commission and signed by the commissioner-in-chief or the president or the vice president and attested by the secretary, and the treasurer shall not pay out any moneys in his hands as such except upon such vouchers.

Audit accounts and issue vouchers.
Treasurer pay.

Sec. 11. The board of managers shall immediately, after the close of the St. Louis World's Fair of 1903, return all collections or exhibits borrowed to their respective owners. Any moneys received by the state board remaining unexpended after the completion of its duties shall be turned into the state treasury, and the state treasurer shall keep the same as a separate fund, to be known as the "Exposition Fund", which said fund shall be held subject to appropriations by the general assembly and shall only be used for the purposes of advertising and displaying the resources and products of Colorado in other states and countries.

Board return exhibits.
Surplus money.

Sec. 12. To carry out the provisions of this act, the sum of fifty thousand (\$50,000) dollars, or so much thereof as may be necessary, is hereby appropriated, and the state treasurer is directed to pay the same from the general funds from time to time on the requisition of said board, signed by the governor, and accompanied by estimates of the expenses to the payment of which the money so drawn is to be applied; Provided, That not more than ten thousand dollars (\$10,000) of the money appropriated shall be expended during the year 1901; ten thousand dollars (\$10,000) during the year 1902, and the remaining thirty thousand dollars (\$30,000) during the year 1903.

Appropriation.
Treasurer pay upon requisition.
Limit of expense.

Sec. 13. In the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 27, 1901.

CHAPTER 96.

SCHOOLS.

HUMANE TREATMENT OF ANIMALS.

(H. B. No. 102, by Mr. Judkins.)

AN ACT

TO PROVIDE FOR THE TEACHING OF THE HUMANE TREATMENT OF ANIMALS, IN THE PUBLIC SCHOOLS AND AMEND SECTION THIRTY-SEVEN OF AN ACT ENTITLED "AN ACT TO AMEND CHAPTER NINETY-SEVEN OF THE GENERAL STATUTES, ENTITLED 'SCHOOLS'", APPROVED APRIL 4, 1887.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That section thirty-seven of an act entitled "An Act to amend chapter ninety-seven of the General Statutes, entitled, 'Schools,'" be amended to read as follows:

Public schools
taught in
English.

Branches re-
quired.

Alcoholic stim-
ulants and
narcotics.

Humane treat-
ment of
animals.

Section 37. The public schools of this state shall be taught in the English language, and the school boards shall provide to have taught in such schools the branches specified in section fifteen of said chapter, and such other branches of learning in other languages as they may deem expedient, including hygiene, with special reference to the effects of alcoholic stimulants and narcotics upon the human body; and shall cause to be given in each school week two lessons of not less than ten minutes duration each on the subject of humane treatment to animals; (and whenever the parents or guardians of twenty or more children of school age shall so demand, the board of such school district may pro-

cure efficient instructors and introduce the German and Spanish languages, or either of them, and gymnastics, as a branch of study into such school; and said district board may, upon like demand of the parents and guardians of children of school age, procure efficient instructors to teach the branches specified in said section fifteen, in the German and Spanish languages, or in either of said languages, as said board may direct.)

Approved April 13, 1901.

CHAPTER 97.

SCHOOLS.

NORMAL INSTITUTES.

(H. B. No. 170, by Mr. Meredith.)

AN ACT

TO IMPROVE THE NORMAL INSTITUTES OF THE STATE OF COLORADO.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. Each applicant for a teacher's certificate at any regular county examination, and each successful applicant for a renewal or endorsement of a certificate, or for the issue of a like grade certificate, shall pay for the privilege of such examination, renewal, endorsement or issue of like grade certificate, a fee of one dollar, which shall be collected by the county superintendent of schools and forwarded, with his report of each examination, to the superintendent of public instruction.

Applicants for certificates pay fee.

Superintendent collect and forward.

Sec. 2. All fees thus collected and remitted to the superintendent of public instruction shall be turned over

State normal
institute fund.

to the State Treasurer and shall constitute a State Normal Institute Fund.

Superintendent
apportion fund.

Sec. 3. At the time of apportioning the state school fund in July of each year the superintendent of public instruction shall apportion the State Normal Institute fund equally among the normal institute districts of the state, and the sum accredited to each normal institute district shall be transmitted to the custodian of the normal institute fund thereof in the same manner as each county's apportionment of the state school fund is now transmitted to the county treasurer; and each district's apportionment of the State Normal Institute fund shall be applied and expended in the same manner and for the same purposes as the fund of each normal institute district has heretofore been applied and expended.

Transmit to
custodian.

How applied.

Approved March 25, 1901.

CHAPTER 98.

SCHOOLS.

PARENTAL OR TRUANT.

(S. B. No. 252, by Senator Philp.)

AN ACT

TO ENABLE BOARDS OF EDUCATION OR BOARDS OF TRUSTEES TO ESTABLISH AND MAINTAIN PARENTAL OR TRUANT SCHOOLS IN CITIES OF ONE HUNDRED THOUSAND (100,000) INHABITANTS OR MORE AND TO PROVIDE FOR ESTABLISHING AND MAINTAINING SUCH SCHOOLS IN CITIES HAVING A POPULATION OF NOT LESS THAN TWENTY-FIVE THOUSAND (25,000) OR MORE THAN ONE HUNDRED THOUSAND (100,000).

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That in cities having a population of 100,000 inhabitants or more, there shall be established,

maintained and conducted within two years from the date of taking effect of this act, one or more parental or truant schools for the purpose of affording a place of confinement, discipline, instruction and maintenance of children of compulsory school-age who may be committed thereto in the manner hereinafter provided.

Parental or
truant schools.

Cities establish.
Purpose.

Sec. 2. For the purpose of establishing such school or schools, sites may be purchased and buildings constructed or premises rented in the same manner as is provided for in the case of public schools in such cities; but no such school shall be located at or near any penal institution.

Sites secured.

Restriction.

And it shall be the duty of the board of education to furnish such schools with such furniture, fixtures, apparatus and provisions as may be necessary for the maintenance and operation thereof; Provided, That nothing in this act shall be construed to permit an increase of the levy for school purposes beyond the limit fixed by law.

Board furnish
necessaries.

Levy not
increased.

Sec. 3. The board of education may also employ a superintendent and all other necessary officers, agents and teachers; and shall prescribe the methods of discipline and the course of instruction; and shall exercise the same powers and perform the same duties as is prescribed by law for the management of other schools.

Board make
necessary
provision.

Sec. 4. No religious instructions shall be given in such school, except such as is allowed by law to be given in public schools; but the board of education shall make suitable regulation so that the inmates may receive religious training in accordance with the belief of the parents of such children, either by allowing religious services to be held in the institution or by arranging for attendance at public service elsewhere.

Religious in-
struction.

Religious
training.

Sec. 5. It shall be the duty of any truant officer or agent of such board of education to petition, and any reputable citizen of the City may petition the County Court of the County to inquire into the case of any child of compulsory school age who is not attending school,

Truant officer
or citizen peti-
tion court to in-
quire into
cases.

Contents of
petition.

or who has been guilty of habitual truancy, or of persistent violation of the rules of the public schools, and the petition shall also state the names, if known, of the father and mother of such child, or the survivor of them; and if neither father nor mother of such child is living, or cannot be found in the county, or if their names cannot be ascertained, then the name of the guardian, if there be one known, and if there be a parent living whose name can be ascertained, or a guardian, the petition shall show whether or not the father or mother or guardian consents to the commitment of such child to such parental or truant school. Such petition shall be verified by oath upon the belief of the petitioner, and upon being filed, the judge of the County Court shall have such child named in the petition brought before him for the purpose of determining the application in said petition contained. But no child shall be committed to such school who has ever been convicted of any offense punishable by confinement in any penal institution.

Verified and
filed.

Judge deter-
mine appli-
cation.
No criminal
committed.

Clerk issue
writ.

Sec. 6. Upon the filing of such petition the clerk of the Court shall issue a writ to the truancy officer of the district, directing him to bring such child before the Court; if the court shall find the material facts set forth in the petition are true, and if in the opinion of the Court such child is a fit person to be committed to such parental or truant school, to be kept there until he or she arrives at the age of fourteen years, unless sooner discharged in the manner hereinafter set forth, subject to the right of appeal as in cases of misdemeanor in the county courts. Before the hearing aforesaid, notice in writing shall be given to the parent or guardian of such child, if known, of the proceedings about to be instituted, that he or she may appear and resist the same, if they so desire.

Return.

Notice to parent
or guardian.

Parent or guar-
dian pay cost.

Sec. 7. It shall be the duty of the parent or guardian of any child committed to this school to pay the actual cost of board of such child and provide suitable clothing upon his or her entry into such school, and from time

to time thereafter as it may be needed, upon notice in writing from the superintendent or other proper officer of the school. In case any parent or guardian shall refuse or neglect to furnish such clothing or pay for such board, the same may be provided by the board of education, and such board may have an action against such parent or guardian of said child to recover the cost of such clothing and board, with 10 per cent. additional thereto.

Failure.
Board of education collect.

Sec. 8. The board of education of such city shall have power to establish rules and regulations under which children committed to such parental or truant school may be allowed to return home upon parole, but to remain while upon parole in the legal custody and under control of the officer and agents of such school and subject at any time to be taken back within the enclosure of such school by the superintendent or any authorized officer of said school, except as hereinafter provided; and full power to enforce such rules and regulations to retake any such child so upon parole is hereby conferred upon said board of education. No child shall be released upon parole in less than four weeks from the time of his or her commitment, nor thereafter until the superintendent of such parental or truant school shall have become satisfied from the conduct of such child that, if paroled, he or she will attend regularly the public or private school to which he or she may be sent by his or her parents or guardians, and shall so certify to the board of education.

Board establish regulations for parole.
Enforce rules.
Restrictions upon parole power.

Sec. 9. It shall be the duty of the principal or other person having charge of the school to which such child so released on parole may be sent, to report at least once each month to the Superintendent of the parental or truant school, stating whether or not such child attends school regularly, and obeys the rules and regulations of such school; and if such child so released upon parole shall be regular in his or her attendance at school, and his or her conduct as pupil shall be satisfactory for a period of one year from date, on which

Principal make monthly report to superintendent.

he or she was released upon parole, he or she shall then be finally discharged from the parental or truant school, and shall not be recommitted thereto, except upon petition as hereinbefore provided.

Final discharge. **Recommitment.** **Violation of parole.** **Penalty.** **Second parole.**

Sec. 10. In case any child released from school upon parole, as hereinbefore provided, shall violate the conditions of his or her parole at any time within one year thereafter, he or she shall, upon the order of the County Court, as hereinbefore provided, be taken back to such parental or truant school, and shall not be again released upon parole within the period of three months from the date of such re-entering; and if he or she shall violate the conditions of a second parole, he or she shall be recommitted to such parental or truant school, and shall not be released therefrom on parole, until he or she shall remain in such school at least one year.

Incorrigible children.

Sec. 11. In any case where a child is incorrigible and his or her influence in such school shall be detrimental to the inests [interests] of the other pupils, the board of education may authorize the superintendent or any officer of the school to represent these facts to the County Court by petition; and the Court shall have power to commit said child to some juvenile reformatory.

Cities of less than 100,000. **Submit law to vote of people.**

Sec. 12. The Boards of Education in Cities having a population of over 25,000, and less than 100,000, may establish, maintain and operate a parental or truant school for the purpose hereinbefore specified, and in case of the establishment of such a school, the boards of education shall have like power in their respective cities as hereinbefore expressed; Provided, That no board of trustees or board of education under this section shall put this law into effect until submitted to a vote of the people and adopted by a majority vote at some general election, in which case school districts in the same municipality may unite in the establishment and maintenance of one such truancy school.

Approved April 30, 1901.

CHAPTER 99.

STATE CANAL NO. 3.

BOARD OF CONTROL.

(H. B. No. 196, by Mr. Hammond.)

AN ACT

TO CONSTRUCT, MAINTAIN AND OPERATE STATE CANAL NUMBER THREE, IN MONTROSE AND DELTA COUNTIES; THE CREATION OF A BOARD OF CONTROL; THE USE OF CONVICT LABOR IN CONSTRUCTING THE SAME; THE ISSUANCE OF CERTIFICATES OF INDEBTEDNESS; PROVIDING FOR THE SALE OF WATER; AND MAKING AN APPROPRIATION FOR CONSTRUCTION.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. There is hereby created a board of control, to be known as "The Board of Control of State Canal No. 3", which shall be composed of three persons who shall be residents of either counties of Montrose or Delta, appointed by the governor, and shall hold their offices for a term of two years, unless removed for good cause. Said board shall organize by electing one member president and one secretary, and they shall keep an accurate and detailed account of the construction and operation of the tunnel or canal hereinafter mentioned. Each member of said board shall give a bond to the people of the State of Colorado for the sum of one thousand (\$1,000) dollars, and file the same with the secretary of state.

Sec. 2. The state engineer, under the direction of said board of control, shall survey, locate and lay out a tunnel or canal which shall be known as "State Canal No. 3," commencing at the most feasible point on the Gunnison River below the mouth of the Cimarron River; thence in a westerly direction to the Uncompahgre River

Board of control of state canal.

Members.

Residence.

Appointment.

Term, removal.

Organization.

Duties.

Bond.

State engineer survey, locate and lay out canal.

Valley, thence with laterals running in various directions from said main canal to cover and redeem the greatest body of arable land in said counties of Montrose and Delta.

Board acquire
right of way
and necessary
locations.

Sec. 3. The said board is hereby given all the rights and powers corporations now have under the laws to acquire a right of way over, upon and to any lands necessary for it to use or occupy in the construction and maintenance of said ditch or canal, its reservoirs or feeders, or the locations of buildings, power plants, guard houses and other land necessary or essential to further the construction of said canal.

Property of
state.

Revenues
turned into
treasury.

Sec. 4. The said canal, ditch, reservoirs and feeders shall, during the construction of the same, and when constructed, be the property of the state of Colorado, and all revenues therefrom shall be turned into the state treasury to be used for the purposes hereinafter set forth.

Board com-
mence con-
struction.

Supply every-
thing to ex-
pedite work.
Use convicts.

Commissioners
select convicts
for work.

Keep under
guard.

Sec. 5. When said canal shall have been surveyed, or a portion thereof, so that work can commence thereon, it shall be the duty of the said board of control to commence the construction of said canal under and by virtue of the provisions of this act. Said board shall have full power and authority to direct the work on said canal, to purchase machinery to further the construction, and all supplies, tools and do all other things necessary and essential to expedite the work of construction. They shall have the further authority to call upon the board of penitentiary commissioners for the use of as many able-bodied convicts, confined in the state penitentiary or state reformatory, as can be worked on said canal to advantage; and it shall be the duty of the said penitentiary commissioners to promptly select from the able-bodied convicts the number required, none of whom shall be under life sentence, and transport said convicts to a general headquarters which said board of control shall establish for the safekeeping of said convicts; and said convicts under proper guard, shall be used in the rock and tunnel work on said canal.

Sec. 6. Five days before the expiration of the term of confinement of any convict, he shall be returned to the reformatory or penitentiary from which he was taken, and another shall be taken in his place, so as to keep a full quota employed on said work. Full quota employed.

Sec. 7. The said board of control shall have power to contract with the Denver and Rio Grande Railroad Company for rates and terms of transportation of convicts from and to the said penitentiary and reformatory, and proper guards to and from said general headquarters, and for rates on goods, wares, merchandise, machinery, tools, and other things necessary and essential to properly prosecute the work of construction, and receive bids for furnishing the same. Board contract for transportation, supplies, etc. Receive bids.

Sec. 8. The cost of clothing the convicts employed upon the construction of said canal shall be defrayed out of the general appropriation made for the maintenance, support and incidental expenses of the said penitentiary at Canon City or reformatory at Buena Vista. Clothing of convicts.

Sec. 9. Upon the recommendation of a suitable person by the board of control, the warden of the penitentiary shall appoint such person a deputy warden, and he shall have the same power and authority as said warden now possesses and he shall be placed in charge of the safekeeping of said convicts employed in the construction of said canal. He shall receive a salary of one hundred (\$100) dollars per month and board and expenses. Warden appoint deputy to take charge of employed convicts. Compensation.

Sec. 10. The said board of control shall receive five (\$5.00) dollars each per day and necessary traveling expenses when transacting the business pertaining to said canal. Compensation of board.

Sec. 11. The said board of control shall select a competent person who shall be general superintendent of the construction of said canal, and have general powers relating thereto. Said general superintendent shall receive as salary the sum of one thousand eight hundred (\$1,800) dollars per year. Board appoint general superintendent of construction. Compensation.

Auditor issue
certificates of
indebtedness.

Three per cent
interest.

Countersigned
by treasurer
and governor.
Amount.

Sec. 12. Upon the order of the said board of control, approved by the state engineer and the governor, it shall be the duty of the state auditor to issue certificates of indebtedness in favor of the person or persons designated in said order, which certificates shall show upon their face that they bear three (3) per cent. interest per annum from their date of issuance until paid; that they are issued in lieu of immediate money compensation for materials furnished and labor performed and other things needful in constructing said canal. said certificates of indebtedness shall be countersigned by the state treasurer and the governor, and shall not be for a less amount than one hundred (\$100.) dollars, and the same shall not in any event become a claim against the state, except as to funds received or appropriated towards the construction or maintenance of said canal.

Board authorized to receive
subscriptions.

Issue receipts.

Convert into
water rights
or certificates of
indebtedness on
order of board.

Sec. 13. For the purpose of aiding the construction of said canal, reservoirs or feeders, the board of control is hereby authorized to receive subscriptions and advancements of either money, labor, tools, supplies or things necessary or useful, from persons owning land along the line of said canal or any of its laterals, or persons desiring the construction of the same, and issue receipts to such person or persons, which receipts shall be receivable in payment of water rights as hereinafter provided, or may be converted into certificates of indebtedness upon the order of the said board of control.

Board advertise for bids and
let by contract.

Payment by
certificates.

Sec. 14. The said board of control is further authorized to advertise for bids and let out by contract such portion of the said canal as can, in their judgment, be constructed at less cost and to better advantage by free labor than by the use of convicts; but payment on account of such contracts shall be made by means of certificates of indebtedness provided for in section 12 of this act.

Convicts returned.

Sec. 15. After the completion of the said canal, the said convicts shall be returned to the penitentiary or reformatory from which they were taken.

Sec. 16. When said canal, or any of its reservoirs, laterals or feeders, shall have been constructed under this act the said board of control may contract for the carriage and delivery of water by the sale of perpetual water rights to such individuals or corporations as shall desire to purchase the same upon such terms and under such rules and regulations as may be adopted by said board and approved by the governor of the state. Board sell water rights. Governor approve.

Sec. 17. Upon the completion of said canal, it shall be the duty of said board to compute and ascertain the cost of said canal; and in computing the cost they shall include all certificates of indebtedness issued for cash or on account of labor performed and materials or supplies furnished, at their face value, and shall estimate on what they deem a safe and reasonable basis, the probable cost of the maintenance and operation of said canal, year by year. Board ascertain cost including certificates. Estimate cost of maintenance.

Sec. 18. In fixing the value of said perpetual water rights, and the price to be paid therefor by persons or corporations, it shall be assumed as a basis of calculating said price that the value of the total quantity of water said canal is constructed to carry is the exact equivalent of the total cost of the same, with interest reckoned upon all certificates of indebtedness or receipts hereinbefore mentioned. Basis of calculation.

Sec. 19. After determining the value of the water in the manner provided in section 18, said board shall assign the same in ratable proportion to all arable land lying under said canal, its feeders, reservoirs or laterals, and shall fix the price to be paid for each perpetual water right at a sum that shall be in the same proportion to the total cost of said canal as the amount of land to which said perpetual water right is to apply shall bear to the total amount of land to be covered by the canal. Board fix price of perpetual right.

Sec. 20. The proceeds from the sale of all perpetual water rights from said canal, except such as may be sold in exchange for receipts or certificates of indebtedness, shall be paid by the said board into the state treasury. Proceeds paid into treasury.

Applied on certificates. and shall thereupon be applied by the state treasurer in paying and extinguishing the certificates of indebtedness herein provided for.

Annual and special assessments. Sec. 21. All water rights issued by said board for water from said canal shall provide for an annual assessment to be paid thereon to defray the cost of maintenance and operation, and shall also provide for special assessments to be levied by the said board in case extraordinary repairs are needed on said canal.

Lease rights. Sec. 22. Until all the water in said canal is disposed of through the sale of perpetual water rights, said board may lease the same at an annual rental which Rentals applied. rental shall be applied towards the cost of maintenance and repairs. No water shall be leased for less than Value fixed. [than] the fixed value of the water and cost of maintenance and repairs.

Appoint superintendent of canal. Compensation. Sec. 23. When said canal shall have been completed so that water can be delivered for irrigating purposes, the said board of control shall appoint a suitable person to superintend and manage said canal, who shall receive as salary one thousand (\$1,000.) dollars per year, payable out of the receipts from the rental and sale of water. Said board shall also have power to employ such other help to maintain said canal as it may deem necessary or expedient.

Appropriation. Sec. 24. For the purpose of carrying out the provisions of this act there is hereby appropriated out of the internal improvement fund and the internal improvement income fund, the sum of twenty-five thousand (\$25,000.) dollars, and the same shall be paid out only on order of the board of control in the construction of said canal.

Paid by order of board. Emergency. Sec. 25. Whereas, In the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 11, 1901.

CHAPTER 100.

STATE NORMAL SCHOOL.

GUNNISON.

(H. B. No. 67, by Mr. Rawalt.)

AN ACT

TO ESTABLISH A STATE NORMAL SCHOOL.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. A state normal school is hereby established at the city of Gunnison, in the county of Gunnison and state of Colorado, the purpose of which shall be instruction in the science and art of teaching, and in such branches of knowledge as shall qualify teachers for their profession; Provided, That a suitable tract of land, consisting of forty acres, be secured and donated for said site. Normal school established
Forty acres donated.

Sec. 2. The governor shall, upon the approval of this act, appoint three trustees, who shall select, approve and have charge of said site during the years 1901 and 1902, and whose duty shall be the superintending of the improvements and beautifying the same, including the necessary excavating, and said trustees shall serve without pay. Governor appoint trustees.
Duties.
Compensation.

Sec. 3. There is hereby appropriated, out of any moneys not otherwise appropriated, belonging to the general fund, the sum of two thousand five hundred dollars (\$2500) for the purpose of planting trees upon and improving said site, as hereinbefore specified, and it shall be drawn only upon the order of the trustees above named. Appropriation.
Drawn upon order of trustees.

Approved April 16, 1901.

CHAPTER 101.

STOCK.

(H. B. No. 128, by Mr. Weldon.)

AN ACT

TO ESTABLISH ROUND-UP DISTRICT NUMBER TWENTY-EIGHT.

*Be it Enacted by the General Assembly of the State of Colorado:*Round-Up
district No. 28.

Section 1. That the region known as North Park, lying in the north-western part of Larimer county, be and the same is hereby constituted and made a round-up district, to be known as Round-Up District No. 28.

Repeal.

Sec. 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Emergency.

Sec. 3. Inasmuch as the time is near at hand to prepare for the spring round-up; therefore, this act shall take effect from and after its passage.

Approved April 30, 1901.

CHAPTER 102.

STOCK.

MAVERICKS.

(H. B. No. 182, by Mr. White.)

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO AMEND SECTION THIRTYTHREE OF CHAPTER FIFTY-TWO OF THE GENERAL STATUTES OF THE STATE OF COLORADO, ENTITLED 'STOCK' ", APPROVED APRIL 8TH., 1885.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That section one of an act entitled an act to amend section 33 of chapter C 11 [CII] of the general statutes of the state of Colorado entitled "stock" be and the same is hereby amended so as to read as follows: Section 1. Section 33 of chapter C 11 [CII] of the general statutes of the State of Colorado entitled "stock" is hereby amended so as to read as follows.

Section 33. All neat stock and horses found running at large in this state, without a mother, and upon which there is neither mark nor brand, shall be deemed mavericks, and shall be sold to the highest bidder for cash, at such time and place, and under such rules and regulations as the roundup commissioners of the district shall prescribe. The proceeds arising from the sale of such mavericks shall be paid into the county treasurer [treasury] of the county in which such mavericks are found, to be placed to the credit of the common school fund of said county; and if any maverick so sold, shall within the period of six months (6) immediately following such sale, be claimed, identified and proved by the rightful owner

Mavericks sold to highest bidder.
Proceeds paid into treasury for school fund.
Maverick identified.

thereof it shall be the duty of such treasurer to forthwith pay the money received for such maverick to such owner; but in the event that such maverick shall not be thus identified, and its ownership proven during said six (6) months, then it shall be the duty of such treasurer to carry the amount received therefor to the credit of the common school fund of said county. Any person purchasing any maverick, or mavericks under the provisions of this act, shall [shall] receive from the round up commissioners of the district in which such maverick, or mavericks, are sold, a bill of sale therefor, describing the animal, or animals, thus sold, and showing the price paid therefor; Provided, That nothing in this act shall be construed to apply to domestic or blooded stock owned and kept in cities or towns, that may stray upon the plains, and all such animals on being claimed, identified, and proven within six (6) months from the time of selling such animal, may be reclaimed, without costs

Credit to school fund.

Purchaser receive bill of sale.

City estrays reclaimed.

Repeal.

Emergency.

Sec. 2. All acts and parts of acts inconsistent [inconsistent] with this act are hereby repealed.

Sec. 3. Whereas, in the opinion of the general assembly an emergency exists; therefor [therefore] this act shall take effect and be in force from and after its passage

Approved April 29, 1901.

CHAPTER 103.

STREET RAILROADS.

(H. B. No. 52, by Mr. Morris.)

AN ACT

TO REQUIRE STREET RAILWAY COMPANIES OR THOSE OPERATING STREET RAILWAYS AND CARS THEREUPON, TO PROTECT CERTAIN OF THEIR EMPLOYEES FROM THE RAIN, SNOW, COLD AND OTHER INCLEMENCIES OF THE WEATHER.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. It shall be unlawful for any person, ^{Street railway} partnership or corporation owning or operating any street ^{companies pro-} railway or the cars thereupon, in this state, or for any ^{tect employes} officer or agent thereof superintending or having charge ^{from in-} or control of the line of railway or the cars thereupon, ^{clemency of} whether the motive power of such car is electricity, steam, by cable or otherwise, which require the constant service, or care or attention of any person or persons on any part of such car, except the rear platform, to require or permit such service, attention or care of any of its employes, or any other person or persons, unless such person, partnership or corporation, or superintending officer and managing agents thereof, first provide the said car with a proper and sufficient inclosure constructed of wood, iron and glass, or similar suitable materials sufficient to protect such employe or other person from exposure to the rain, snow, cold or other inclemencies of the weather.

Sec. 2. Where there is a trailing car or cars being drawn by a head car upon which the propelling or drawing power is situated and used and where no person is

required to remain constantly at one point either for the purpose of keeping the lookout or for the purpose of operating any apparatus or machinery upon such trailing car or cars; this act shall not be construed to apply to any car except the head one; nor shall it be construed to mean that the inclosure for the motorman or for the employe managing or operating any apparatus or machinery of a car at any point shall have his view obstructed, but the said inclosure or vestibuling shall be constructed in a manner so as to permit a front and side view from the position which it is necessary for the person to occupy while he is in the performance of his duties.

Apply to head car.

Motorman have unobstructed view.

Each day a separate offense.

Misdemeanor.
Penalty.

Sec. 3. For each day that any car is permitted to be operated contrary to the provisions of this act, it shall be deemed to be a separate offense, and any person, partnership or corporation, or the superintending officers or managing agents thereof operating any such line of street railway or the cars thereupon, who shall violate any of the provisions thereof, upon being convicted, in any court of competent jurisdiction, shall be deemed guilty of a misdemeanor, and shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) or imprisonment in the county jail not to exceed thirty (30) days for each and every offense.

Approved April 29, 1901.

CHAPTER 104.

TOWNS AND CITIES.

(S. B. No. 26, by Senator Stewart.)

AN ACT

RELATING TO CITIES OF THE FIRST CLASS, NOT EXISTING
UNDER SPECIAL CHARTERS AND TO REPEAL ALL ACTS
AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. The mayor in each city of the first class, Mayor chief executive officer of city. not existing under a special charter, shall be the chief executive officer of the city and the head of the fire department and police, and his salary shall not be less than Compensation. eighteen hundred dollars (\$1800.00) per annum. He shall appoint, with the consent of the council, a chief of the Appoint employees of fire department. city fire department and such assistants, captains, engineers, engine-men, drivers, hosemen, and members of the several fire companies and other employes in the fire department as may be provided for by the ordinances of the city, who shall hold their appointments until removed Removal. by him for cause; Provided, That the mayor shall have the power to suspend any person so appointed by him, but he shall report such suspension together with any Suspend. removal for cause, with the reasons therefor, to the next regular meeting of the council for its action thereon. If Council refuse to concur. the council, by a vote of two-thirds of all its members, shall refuse to concur in such removal or suspension, then Two-thirds vote. the same shall be void and the person removed shall be reinstated.

Mayor appoint
officers of po-
lice, health and
street depart-
ments.

Removal.

Suspend.

Council refuse
to concur.
Two-thirds
vote.

Sec. 2. The mayor in such cities shall appoint, with the consent of the council, every two years or oftener in case of vacancies or removal, one chief of police and such subordinate officers, policemen and watchmen as the city council may deem necessary; also health commissioner or city physician, street commissioner and market master, who shall hold their appointments until removed by him for cause; Provided, That the mayor shall have the power to suspend any officer so appointed by him but he shall report any such suspension, together with any removal for cause, with the reasons therefor, to the next regular meeting of the council for its action thereon. If the council by a vote of two-thirds of all its members shall refuse to concur in such removal or suspension, then the same shall be void and the person removed shall be reinstated.

Health commis-
sion created.

Membership.

Duties.

Sec. 3. There is hereby created and established in each such city a health commission to consist of the mayor, health commissioner or city physician, and a member of the city council to be elected by such council at its first meeting after reorganization, who shall exercise supervision over the general health of the city under the ordinances thereof, and who shall have the powers and discharge the duties of a board of health, within such city.

Council elect
president.

Duties—vote.

President act-
ing mayor.

Sec. 4. The members of the city council in such cities shall elect from their own body, a president, who shall hold his office during the life of such council, and until his successor is elected and qualified. He shall be the presiding officer of the council and shall have the right to vote on any and all questions before the council. When the mayor is absent from the city or shall temporarily be unable to perform the duties of his office, the president of the council shall have and exercise all the authority and power conferred upon the mayor by law or ordinance.

Sec. 5. Every resolution or contract appropriating Resolutions
or involving the expenditure of money, adopted, and all and contracts
ordinances passed by the council, shall receive the ap- involving
proval and signature of the mayor before they shall be- money, signed
come valid, for any purpose whatsoever, except as here- by mayor.
inafter provided. Such ordinance, resolution or contract
shall be presented to the mayor within forty-eight hours Sent to mayor
after the action of the council, for his signature approv- within 48 hours.
ing the same. If he disapprove, he shall return such or- Disapproval.
dinance, contract or resolution to the council at its next
regular meeting, with his objections in writing thereto.
The council shall cause such objections to be entered at
large upon the journal and shall forthwith proceed at the
same, or next subsequent meeting, to consider the ques- Council re-
tion; shall the ordinance, contract or resolution, notwith- consider.
standing the mayor's objections, be passed. If three- Vote.
fourths of the members elected to the city council, vote
in the affirmative, such resolution or contract shall be
valid and such ordinance become a law the same as if it
had been approved by the mayor. If the mayor shall fail
to return to the next subsequent meeting of the council
any contract, resolution or ordinance presented to him If retained
for his approval, the same shall become a valid ordinance without signa-
or act, contract or resolution, as the case may be, in like ture, becomes
manner as if it has been approved by him. valid.

Sec. 6. The mayor may, and upon the request in writ- Call special
ing of three aldermen shall, call special meetings of the meetings upon
council, by notice to each of the members of the council request.
in writing, which notice shall state the purpose for which Notice.
said meeting is called; such notice to be served at least How served.
twenty-four hours prior to the time of such meeting, per-
sonally, or by leaving the same at the usual place of res-
idence of the member.

Sec. 7. All acts and parts of acts in conflict with Repeal.
this act are hereby repealed.

Sec. 8. In the opinion of the General Assembly an Emergency.
emergency exists; therefore, this act shall take effect
and be in force from and after its passage.

Approved April 5, 1901.

CHAPTER 105.

TOWNS AND CITIES.

(H. B. No. 114, by Mr. Bell.)

AN ACT

CONCERNING THE ELECTION AND TERMS OF OFFICES OF MAYOR, ALDERMEN, CITY TREASURER, CITY CLERK, CITY ATTORNEY, POLICE MAGISTRATE, CITY MARSHALL (MARSHAL), CITY STREET SUPERVISOR AND CITY ENGINEER IN CITIES OF THE SECOND CLASS, IN THE STATE OF COLORADO, AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT THEREWITH (HEREWITH).

Be it Enacted by the General Assembly of the State of Colorado:

Election in
cities of second
class.
Officers.

Section 1. The qualified electors of all cities of the second class shall, on the first Tuesday in April of the year 1901, and every two years thereafter, elect a mayor, city treasurer, city clerk, city attorney, city marshal [marshal], police magistrate, city engineer, a city street supervisor, and two aldermen from each of the several wards of such cities, who shall hold their respective offices [offices] for the term of two years, and until their successors are duly elected and qualified;

Term.

Incumbents
hold over.

Vacancy.

Provided, however, That in all cases where any of the above named offices are now filled by persons whose present term does not expire until the year 1902, no election to fill such offices shall be held at the election in April, A. D. 1901, but the incumbents of such offices shall hold over for the term for which they were respectively elected, and until the second Monday after the election to be held in April A. D. 1902, at which time a vacancy shall exist in all of such said offices, and the city council of such cities shall then, by a majority vote

of all the members thereof, fill such vacancies in all Council all. such offices, and the person or persons so selected and appointed shall hold office only until the regular city election in April, A. D. 1903. And the several officers aforesaid, respectively, shall receive such salaries for Compensation. their services, payable monthly, as the city council, prior to the election of said officers, may fix as heretofore provided by law. And said officers shall respectively have such powers and preform [perform] such duties as are Duties. provided by law, or by ordinance of the city council of the city in which said officers hold their respective offices.

Sec. 2. In case of death, resignation, or removal for cause, of any of the aforesaid officers during their term of office, the city council may, by a majority vote of all Vacancy. the members thereof, select and appoint from among the Council all. duly qualified electors of the city, a suitable person to fill the vacancy, who shall hold the office until the next biennial city election.

Sec. 3. All acts and parts of acts inconsistent here- Repeal. with are hereby repealed.

Approved April 30, 1901.

CHAPTER 106.

TOWNS AND CITIES.

DISCONNECTION OF TERRITORY.

(S. B. No. 60, by Senator Ehrhart.)

AN ACT

TO PROVIDE FOR THE DISCONNECTION OF OUTLYING TERRITORY FROM CITIES AND TOWNS.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That whenever a tract or contiguous tracts of land aggregating twenty (20) or more acres in area are embraced within the corporate limits of any city or town, and being upon or contiguous to the border thereof, the owner or owners of said tract or tracts of land may petition the County Court of the county in which such land is situated to have same disconnected from said city or town.

Owner of contiguous tracts may petition court to disconnect.

What petition must show.

Sec. 2. Such petition shall show to the court that such tract or tracts of land contain in the aggregate an area of twenty or more acres, upon or adjacent to the border of said city or town; and that petitioners are the owners thereof, describing the land; that no part of such area has been duly platted into lots and blocks as a part of or addition to said city or town; that all taxes or assessments lawfully due upon said land up to the time of the presentation of said petition are fully paid.

Judge set time for hearing.

Sec. 3. Upon the filing of such petition in the County court, the judge thereof shall set a time for hearing, not less than forty (40) nor more than sixty (60) days thereafter; and it shall be the duty of the clerk of said

court to cause a copy of such petition, and a notice of the date of the time set for such hearing, to be served upon the mayor of the city or town; and same shall be served at least thirty days prior to the hearing of such petition by the court. And upon the hearing and proof of the facts set forth in said petition, it shall be determined whether said tract or tracts of land should be disconnected from such city or town, and the court shall enter an order or decree according. Provided, That whenever a city or town has maintained streets, lights and other public utilities for the period of three years through or adjoining to said tract or tracts of land the owners shall not be entitled to the provisions of this act.

Clerk serve
notice upon
mayor.

Court enter
decree.

Owners not en-
titled to
provisions.

Sec. 4. The land so disconnected shall not thereby be exempt from the payment of any taxes lawfully assessed against it for the purpose of paying any indebtedness lawfully contracted by the corporate authorities of such city or town while such land was within the limits thereof and which remains unpaid, and for the payment of which said land could be lawfully taxed.

Land not ex-
empt from
taxes.

Sec. 5. A copy of the order or decree of said court disconnecting any land described in said petition from any city or town, certified by the clerk of said court, shall be filed for record in the recorder's office of the county in which such disconnected land is situated; and such record, or a copy of such order or decree, certified [certified] by the clerk of said court, shall be proof of the disconnection of such land.

Copy of decree
filed in re-
corder's office.

Certified copy
be proof.

Approved April 30, 1901.

CHAPTER 107.

TOWNS AND CITIES.

IMPROVEMENTS.

(S. B. No. 4, by Senator Stewart.)

AN ACT

TO AMEND SECTIONS 5, 6, 7, 8, 15, 17 AND 18 OF AN ACT, ENTITLED "AN ACT TO PROVIDE FOR THE CONSTRUCTION OF LOCAL PUBLIC IMPROVEMENTS, IN CITIES OF THE FIRST CLASS NOT UNDER SPECIAL CHARTER; TO PROVIDE FOR ASSESSING AND COLLECTING THE COST OF SUCH IMPROVEMENTS, AND PROVIDE FOR THE ISSUANCE OF PUBLIC IMPROVEMENT BONDS COVERING THE SAME," APPROVED MARCH 3, 1899.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That section 5 of an act, entitled "An act to provide for the construction of local public improvements, in cities of the first class not under special charter; to provide for assessing and collecting the cost of such improvements, and provide for the issuance of public improvement bonds covering the same." Approved March 3, 1899, be, and is, hereby amended to read as follows:

Cost of improvement assessed upon land.

Proportioned to benefits.

Sec. 5. In case of the improvement of any street, as hereinbefore provided, the cost of the improvement, except as to the intersection of streets and alleys, and except the share to be assessed against railway companies, shall be assessed upon all the lots or tracts of land abutting on the street improved in proportion to the benefit accruing to each lot or tract, by reason of the making

of such improvement, and in case the total cost in, any block shall exceed the total benefits, such excess shall be paid from the general funds of the city. Excess paid from general funds.

Sec. 2. That section 6 of said act be, and is, hereby amended to read as follows:

Sec. 6. In case of the improvement of any street the cost of the improvements in each street intersection, except the share to be assessed against railway companies, shall be assessed upon all the frontage of the street improved and on the intersecting street, within a distance of one-half block in each direction from such intersection, in proportion to the benefits accruing to such abutting property by reason of the making of said improvements, and the cost of such alley intersection shall be assessed upon all the real estate in the same block in proportion to the benefits accruing to such property, by reason of the making of such improvements; Provided, That if the cost of the improvement in such street intersection or alley intersection shall exceed the benefits accruing to such property, then the excess shall be paid from the general funds of the city. Improvement assessed upon frontage. Proportioned to benefits. Excess paid from general funds.

Sec. 3. That section 7 of said act be, and is, hereby amended to read as follows:

Sec. 7. In case of the improvement of any alley in any block, the cost of such improvement in each block shall be assessed upon all the lots abutting upon the alley so improved in proportion to the benefits accruing to such lots, by reason of the making of such improvement, and in case the total cost of the improvement exceeds the total amount of benefits, such excess shall be paid from the general funds of the city. Improvement of alley assessed upon abutting lots in proportion to benefits. Excess paid from general funds.

Sec. 4. That section 8 of said act be, and is, hereby amended to read as follows:

Sec. 8. Whenever any real estate abutting on any street or alley to be improved, as hereinbefore provided, is V-shaped, or of any irregular form, the assessment against such lot or tract shall be made with reference to such irregular form, and shall in no event exceed the Land of irregular form not assessed beyond benefits.

benefits accruing to such lot or tract by reason of the making of such improvement.

Sec. 5. That section 15 of said act be, and is, hereby amended to read as follows:

Sanitary
sewer costs
assessed upon
real estate in
proportion to
benefits.

Sec. 15. The cost of any district sanitary sewer, including inlets, manholes, connecting mains, appurtenances, with interest, as hereinafter provided, shall be assessed by ordinance upon all real estate in the district in proportion to the actual benefits accruing to such real estate, by reason of the construction of such sewer, and in case the total cost exceeds the total benefits, such excess shall be paid from the general funds of the city.

Excess paid
from general
funds.

Sec. 6. That section 17 of said act be, and is, hereby amended to read as follows:

Storm sewer
costs assessed
upon real estate
in proportion
to benefits.

Sec. 17. The cost of district storm sewers shall be assessed upon all the real estate in said storm sewer districts, respectively, in proportion to the benefits accruing to such real estate, by reason of the construction of such district storm sewers, and in case the total cost exceeds the total benefits, such excess shall be paid from the general funds of the city.

Excess paid
from general
fund.

Sec. 7. That section 18 of said act be, and is, hereby amended to read as follows:

Sewers ordered
for sub-dis-
tricts.

Sec. 18. At the time of ordering the construction of district storm sewers, or at any time thereafter, the construction may, in like manner, be ordered of sub-district storm sewers in any such sub-districts, or any part or parts thereof, in such manner as to connect the sub-districts or such part or parts thereof with the district storm sewer for the purpose of storm drainage. The cost of such sub-district storm sewers, with the appurtenances, shall be assessed upon all the real estate in such sub-district, or any part thereof improved, in proportion to the benefits accruing to such real estate, and in case the cost of any such sub-district storm sewer shall exceed the total benefits, such excess shall be paid from the general funds of the city.

Cost assessed
upon real estate
in proportion
to benefits.

Excess paid
from general
fund.

Combined sewers for sanitary and storm drainage may be authorized and constructed in the same manner, as hereinabove provided for the construction of storm sewers, and the mains of such combined sewers may be constructed outside of such districts to such reasonable extent as may be necessary to make proper connection with some natural drainage, and the cost thereof be assessed in accordance with benefits as hereinbefore provided.

One general outlet connecting with some natural drainage may be constructed for use of two or more district sanitary sewers, or two or more district storm sewers, or for combined district sanitary and storm sewers, and the cost thereof be assessed against the real property in such districts, according to benefits accruing thereto, by reason of the construction of such general outlet.

Sec. 8. In the opinion of the General assembly an emergency exists; therefore, this act shall be in force and take effect from and after its passage.

Approved April 30, 1901.

CHAPTER 108.

TOWNS AND CITIES.

ORDINANCES.

(H. B. No. 227, by Mr. Bell.)

AN ACT

CONCERNING THE INTRODUCTION, ADOPTION AND PUBLICATION OF ORDINANCES OF CITIES.

Be it Enacted by the General Assembly of the State of Colorado:

No ordinance shall be adopted until read at a previous meeting and published or posted.

Section 1. No ordinance shall be adopted or passed by any city council of any city, in this state, unless the same has been previously introduced and read at a preceding regular meeting of such city council and published in full in one or two papers of general circulation published in such city at least ten days before its passage, and if there be no such paper or papers published in such city, then by posting copies thereof in at least six public places in such city at least ten days previous to its passage or adoption. All of which such previous introduction of such ordinance at such preceding regular meeting of such city council and the fact of its publication in such newspapers or by posting shall appear in the certificate and the attestation of the clerk on such ordinance after its adoption.

Clerk attest
publication or
posting.
Repeal.

Sec. 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved April 12, 1901.

CHAPTER 109.

TOWNS AND CITIES.

REFUNDING INDEBTEDNESS.

(S. B. No. 118, by Senator Hallett.)

AN ACT

TO ENABLE CITIES AND TOWNS OF THE STATE, WHETHER INCORPORATED UNDER GENERAL LAW OR UNDER SPECIAL CHARTER, TO REFUND THEIR BONDED INDEBTEDNESS, WHICH HAS MATURED OR MAY HEREAFTER MATURE, OR HAS OR MAY HEREAFTER BECOME PAYABLE AT THE OPTION OF THE SAID CITY, OR TOWN, BY ISSUING REFUNDING BONDS, PROVIDING FOR AN ELECTION AND THE PAYMENT OF THE PRINCIPAL AND INTEREST AND THE REGISTRATION THEREOF, AND REPEALING CHAPTER 110 OF THE SESSION LAWS OF COLORADO, 1895, AND ALL CONFLICTING ACTS.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That when any of the bonded indebtedness of any city or town in this state, whether incorporated under general law or under special charter, has matured or may hereafter mature, or has or may hereafter become payable at the option of the city or town, and there shall not be funds in the treasury of such city or town, available for the redemption of such bonds, the city council or the board of trustees of such city or town may issue new bonds to be denominated refunding bonds, but the amount of such refunding bonds to be issued shall be determined by the city council or board of trustees, and a certificate of such determination made and entered in and upon the records of said city council or board of trustees prior to the issuance of the bonds. When the

Council may issue refunding bonds.
Certificate of amount entered upon record before the issue.

Submit question to voters.	city council of any city or the board of trustees of any town shall deem it necessary to issue refunding bonds they shall submit the question to a vote of the duly qualified electors at a general city or town election, or at a
May call special election.	special election which they are hereby empowered to call for that purpose, and they shall cause to be posted a
Post and publish notice of election.	printed notice of such election in some conspicuous place in each voting precinct in the city or town for at least
Publish notice of submission.	fifteen days preceding the election, and if there be a newspaper printed in such city or town, but not otherwise, they shall also publish for the period of at least ten days
Form of ballot.	immediately preceding such election, in some newspaper printed within such city or town, a notice that such question will be submitted to the duly qualified voters, and all persons voting on the question shall vote by separate ballot whereon is placed the words, "For Refunding City Indebtedness" or "For Refunding Town Indebtedness," as the case may be, or "Against Refunding City Indebtedness" or "Against Refunding Town Indebtedness," as the case may be. Such ballot to be deposited in a separate
Separate ballot box.	ballot box provided by the city or town for that purpose, and no person shall vote on the question for or against refunding such indebtedness unless said person shall
Qualification of voter.	have the necessary qualifications of an elector as provided by law and shall have paid a tax upon property assessed to him or her in such city or town for the year immediately preceding such election. The county treasurer of the county in which said city or town shall be situated, shall make out and cause to be delivered to the judges
Treasurer give election judges a certified list of tax payers.	of election in each election precinct in the city or town prior to the said election, a certified list of the taxpayers in such city or town who shall have paid taxes upon property assessed to them in such city or town in the year immediately preceding such election, and no person shall
Name must appear on list.	vote upon the question of the refunding of city or town indebtedness unless his or her name shall appear upon such list. And if upon canvassing the vote, which shall
Canvass vote.	be canvassed in the same manner as the vote for city and town officers, it shall appear that a majority of all

the votes cast are for refunding city or town indebtedness, then the city council or the board of trustees, as the case may be, shall be authorized to issue refunding bonds in the name of the said city or town. Such refunding bonds shall be payable at the option of the said city or town ten years after date and absolutely due and payable twenty years after date, and shall be of the denomination of one thousand dollars, five hundred dollars or one hundred dollars, or all or either of such denominations as the circumstances of the case may require. The interest upon such refunding bonds shall be payable semi-annually and at not to exceed the rate specified in the bonds to be refunded, and the principal shall be payable at the office of the treasurer of the city or town and the semi-annual interest shall be payable at the office of the city or town treasurer, or at some place in the City of New York, at the option of the holder of such bonds.

Council or board authorized to issue bonds.
When payable.
Denomination.
Interest and principal payable.

Sec. 2. All such refunding bonds may be exchanged dollar for dollar for the bonds to be refunded, or they may be sold as directed by the city council or board of trustees of such city or town and the proceeds thereof shall be applied only to the purpose for which the bonds were issued, and the same shall not be sold at less than their face value, nor shall they be issued until the outstanding bonds to be refunded have been called in and canceled in an amount equal to or in excess of the bonds so issued; Provided, however, That all accrued interest on any such bonds to be refunded shall be paid before such refunding bonds are issued.

Refunding bonds may be exchanged or sold.
Sold for face value.
Bonds called in.
Interest paid.

Sec. 3. The bonds issued by virtue of this act may be payable to bearer. The city council or board of trustees shall be authorized to prescribe the form of such bonds and the coupons thereof, and such bonds shall recite the title of the act under which they are issued, shall be signed by the mayor, attested by the clerk and countersigned by the treasurer of the city or town, and shall bear the seal of the city or town and the coupons thereto annexed shall be signed by the city or town treasurer by original or lithographed signature; and for the half yearly

Payable to bearer.
Form of bonds and coupons.
How issued.

Interest.	interest accruing on such bonds actually issued and delivered, the city council or board of trustees shall levy
Annual levy.	annually a sufficient tax to fully discharge such interest; and for the ultimate redemption of such bonds, they shall levy annually after nine years from the date of such issuance, such tax upon all the taxable property in such city or town as will create a yearly fund equal to ten per cent. of the whole amount of such bonds issued, which
Redemption fund.	fund shall be called the redemption fund, and all taxes for interest on and for the redemption of such bonds shall be paid in cash only, and shall be kept by the city or town treasurer as a special fund to be used in payment of interest on, and for the redemption of such bonds only, and such tax shall be levied and collected as other city or town taxes are levied and collected.

Sec. 4. It shall be the duty of the city or town treasurer, when there are sufficient funds in his hands to the credit of the redemption fund to pay in full the principal and interest of any such bonds, immediately to call in and pay as many of such bonds and accrued interest thereon as the funds on hands [hand] will liquidate, as hereinbefore provided, and such bonds shall be numbered consecutively from first to last and shall be paid in the order of their number; and when any bonds or coupons issued under this act are paid it shall be the duty of such treasurer to certify his actions to the city council or board of trustees, who shall cancel the same so that they can be plainly identified and cause a record to be made of the same; and when it is desired to redeem any of such bonds, the city or town treasurer shall cause to be published for ten days in some newspaper in the city or town, if there be such, and if not, in the city of Denver, a notice that certain city or town bonds, by numbers and amounts, will be paid upon presentation, and at the expiration of thirty days from the date of the first publication of said notice such bonds shall cease to bear interest.

Treasurer call in bonds.	
Paid in order.	
Certify to council for cancellation.	
Publish notice.	
Interest cease.	

Sec. 5. Whenever the city council or board of trustees of a city or town, as the case may be, shall issue bonds under the provisions of this act, they shall enter

in. and upon the records of such city council or board of trustees, an order requesting the state auditor to register the bonds in a book to be kept by him for that purpose, and, when so registered, the legality thereof shall not be open to contest by such city or town or any person or corporation for or on behalf of such city or town for any reason whatever; and a certified copy of the order of such city council or board of trustees, so made and entered of record, shall be furnished the state auditor by the city council or board of trustees, and thereupon it shall be his duty to register such bonds, and he shall receive a fee of ten cents for registering each bond.

Council request
registry.

Legality.

Auditor registers bonds.

Fee.

Sec. 6. The action of the city council or board of trustees under this act in calling elections and authorizing the issuance of bonds shall be had and done by ordinance.

Act by ordinance.

Sec. 7. That chapter 110 of the Session Laws of Repeal. Colorado, 1895, and all acts and parts of acts in conflict herewith, are hereby repealed.

Approved April 30, 1901.

CHAPTER 110.

UNITED STATES.

(S. B. No. 6, by Senator Seldomridge.)

AN ACT

ENTITLED "AN ACT TO CEDE TO THE UNITED STATES JURISDICTION OF THE STATE OF COLORADO OVER A SITE FOR A PUBLIC BUILDING WITHIN THE CORPORATE LIMITS OF THE CITY OF COLORADO SPRINGS, IN THE STATE OF COLORADO, AND TO RELEASE THE SAME AND OTHER PROPERTY OF THE UNITED STATES FROM TAXATION."

Be it Enacted by the General Assembly of the State of Colorado:

Officers select
site for public
building.

Owners convey
title.

Governor exe-
cute deed.

Secretary of
state attest.

Section 1. Whenever any officer or officers of the United States thereunto duly authorized, shall designate or select a tract of land of sufficient area within the corporate limits of the city of Colorado Springs, in the State of Colorado, as and for the site of a public building of the United States, and the title to the said tract of land shall have been conveyed and confirmed to the United States of America by the owner or owners thereof, the governor of this state, when he shall be advised by the attorney-general of the United States, or the attorney of the United States for the district of Colorado, that a valid title to the said land is vested in the United States, shall make, execute and deliver to the United States of America a deed, sealed with the great seal of the State of Colorado and attested by the secretary of state of this state, whose duty it shall be to attest the same, containing apt, meet and proper words, clauses and covenants to fully cede, give, grant, transfer, confer and confirm exclusive jurisdiction for all purposes whatsoever over such tract of land, and all and every part thereof, unto the United States of Amer-

ica; but, nevertheless, therein reserving to this state, ^{Reserve juris-} jurisdiction to serve the civil process of state, county ^{diction.}

and municipal courts and tribunals within said tract of land, to serve and execute therein processes in criminal cases by state, county and municipal officers in respect to offenses, misdemeanors, crimes and felonious acts committed outside of said tract of land, and at, from and after the making, executing, ensembling, attesting and delivering of said deed, exclusive jurisdiction shall vest in and remain in the United States of America for and during all the time the United States of America shall remain the owner of said tract of land, subject ^{United States} only to the state jurisdiction for the service of execution ^{have juris-} and process reserved to this state over said tract of land ^{diction} so ceded, granted, transferred, confirmed and conferred ^{subject to} unto the United States of America for and during the ^{that of state.} time the United States of America shall remain the owner thereof.

Sec. 2. That, from and after the delivery of such deed of cession, the said site and tract of land, and the erections, structures, buildings, fixtures, goods, chattels and property at any time thereon or thereto belonging, or in anywise appertaining and belonging to the United States of America, shall be and remain released and ^{Released from} exempt from all tollages, taxes, and assessments of every ^{taxation.} name, nature, character and description, for and during the time the United States of America shall remain the owner thereof.

Sec. 3. Whereas, in the opinion of the General As- ^{Emergency.} sembly, an emergency exists; therefore, this act shall be in force from and after its passage.

Approved February 12, 1901.

SENATE JOINT MEMORIAL No. 2.

(By Senator Jefferson.)

*To the Honorable, the Senate and the House of Representatives
of the United States of America in Congress Assembled:*

Your memorialists, the General Assembly of the State of Colorado, respectfully represent that the people of Colorado are opposed to the ceding of the arid lands by the United States to the several states, or the leasing thereof to any person or corporation. The attention of your memorialists has been especially called to this matter through the many conventions that have been held pertaining to this subject.

Your memorialists believe that the present laws pertaining to the public land are equitable to all, allowing the home seeker and homesteader yet to come amongst us, all the rights, privileges and favors that a free government can bestow. On the other hand, should the government surrender to individuals or corporations the public domain, it would do a great injustice to the West.

The late achievements [achievements] of the arid West, deserving notice and appropriations for irrigation reservoirs and canals, should be promoted and conserved by carefully preventing such governmental works from falling into the control of individuals or corporations.

Your memorialists, in view of these considerations and in harmony with the sentiments they enjoin, beg of your honorable body conservation of, and protection to, the existing rights of the settler and pioneer,

Approved February 28, 1901.

SENATE JOINT MEMORIAL NO. 3.

(By Senator Ammons.)

To the Hon. Ethan A. Hitchcock, Secretary of the Interior, Washington, D. C.:

Your memorialists, the General Assembly of the State of Colorado, respectfully represents [represent] that the grazing permit system which [it] is proposed to enforce in the South Platte, Plum Creek, White River Plateau and Grand Mesa forest reserves is wholly unsuited to local conditions, imposes unnecessary hardship upon the settlers, and is useless for the protection of the reserves.

Therefore, Your memorialists respectfully requests [request] that said permit system be revoked, at least so far as those are concerned who were already within the limits of the reserves when established, and that cattle grazing conditions be left as they were so long as no injury to the reserves is caused thereby.

Approved February 26, 1901.

SENATE JOINT MEMORIAL NO. 4.

(By Senator Lewis.)

*To the Senate and House of Representatives of the United States
in Congress Assembled:*

Your memorialists, the General Assembly of the State of Colorado, would respectfully represent that,

Whereas, There are within the confines of the State of Colorado, aboriginal antiquities and prehistoric ruins, situate on the public lands of the United States, the value of which, from a scientific and historic standpoint, is rapidly being destroyed by ruthless vandals,

Therefore, Your memorialists pray your honorable body immediately, by proper enactment, to authorize and direct the Secretary of the Interior to cause surveys to be made to show the location of these ruins, to the end that legislation may at once be enacted for the permanent protection thereof and the setting aside of a reservation containing these historic ruins, the tracts to be thenceforth reserved from sale and kept as the property of the United States, and to be not subject to entry, settlement or occupation, until further provided by law.

And your memorialists will ever pray.

Approved April 27, 1901.

SENATE JOINT MEMORIAL NO. 12.

(By Senator Barela.)

The General Assembly of the State of Colorado, to the Senate and House of Representatives of the United States of America in Congress Assembled.

GENTLEMEN; Your Memorialists, the General Assembly of the State of Colorado, respectfully call the attention of your honorable bodies, to the fact; that by virtue of a decision rendered by the United States District Court for the State of Colorado, in an action brought by the claimants to what is known as the Maxwell Land Grant, covering certain lands lying within the State of Colorado and the Territory of New Mexico, Whereby many settlers and occupants of lands were deposed from their homes, some of whom have occupied them for a long time by homestead under the United States' Land laws, and believing they were legal settlers upon the public domain, and relying upon the titles they had acquired, these settlers made improvemnts, [improvements] spent much time, and various sums of money with a view of a future home for their families; Now having been dispossessed by virtue of said Court decision; and believing that there must be under the rules of right granted by the Constitution of the United States, some equitable relief for what they have suffered; We, your Memorialists, in confirmation of their reasonable request, do ask your honorable bodies, to grant proper relief to all those entitled to the same, living upon lands claimed by the Maxwell Land Grant within the borders of Colorado, who were ousted therefrom by order of the Court, the amount to be determined by a Commission or Commissioner appointed to ascertain the same.

RESOLVED: That this Memorial be enrolled, and one copy be sent to the President of the United States, and one copy to each of our members in the Senate, and in the House of Representatives at Washington.

Approved April 27, 1901.

HOUSE JOINT MEMORIAL NO. 6.

(By Mr. Montgomery.)

To the Honorable, the Senate of the United States of America:

Impressed with the National importance of a complete restoration of American ships to the carriage of American commerce, as in the days of our fathers, we nevertheless deprecate the passage of any measure conferring privileges and advantages on any class of citizens at the expense of others, which we conceive to be the purpose of the pending "ship subsidy bill", under a mistaken notion that this is the way to accomplish the great object of marine rehabilitation.

From history we learn that the founders of our Government established a better way. We think this way should be resumed. Any objection to so doing may well be regarded as only an argument for taxing the people in the interest of a class who seeks benefit from that repulsive principle. Moreover, it cannot be shown that subsidies, if realized, would avail to the extent necessary for the re-instatement of our lost carrying trade.

As we read history, subsidy has no relation to the primal cause of our shipping decay. We have not lost our carrying trade for the want of subsidy, but from a mistaken change of shipping policy. This point is indisputable. The measure proposed is fatally defective, in proposing not to disturb the present policy under which our shipping interest has been ruined by unrestricted foreign competition.

If a state of things could be shown to exist, under which American shipping could not be restored to American trade, without the payment of subsidies to the general marine, then would a most shameful exhibition be made to the world of unskillfulness and incompetency on the part of our Government. But this cannot be shown.

Our shipping ought as speedily as possible be permitted to resume our own carrying of our own commerce without monetary "aid". Under proper measures, it ought not, and we believe it need not, cost a single cent to the American people.

Therefore, the 13th General Assembly of the State of Colorado urgently memorializes the Senate of the United States to reject the pending measure herein referred to as the "Subsidy Bill."

Approved March 8, 1901.

SENATE CONCURRENT RESOLUTION No. 1.

(By Senator Stewart.)

WHEREAS, since the last session of the General Assembly, Nathaniel P. Hill, a former Senator of the United States, from Colorado, died: and,

WHEREAS, In his public career and business enterprises, he added in an unusual degree to the moral, intellectual and material advancement of his state and country; and

WHEREAS, As a Senator of the United States, and proprietor and editor of one of the leading journals of the Great West, he championed the rule of the People as against selfish monopoly; and as a metallurgist he gave to the miners of Colorado the first successful process for the reduction of gold ores; and as a citizen he led in philanthropic work, and offered a splendid example of an upright, courageous and virtuous life;

Therefore, be it resolved By the Senate, the House of Representatives concurring, that the members of the Thirteenth General Assembly extend their heartfelt sympathy to the surviving widow and children of the late Honorable Nathaniel P. Hill; that, in common with all the people of the state of Colorado, they mourn his loss; and that, as the only additional mark of respect and admiration for the dead Senator and citizen that we can pay, we direct that these resolutions be spread upon the journal of both houses, and that an engrossed copy of the same be prepared and delivered to his surviving widow and children, to be handed down by them as an heirloom forever in the family.

SENATE CONCURRENT RESOLUTION No. 6.

(By Senator Buckley.)

Whereas, Hon. Otto Mears, during the entire time of the construction of the State Capitol of Colorado, has been a member of the Board of Capitol Managers, and through his energy, zeal and executive ability has largely contributed to the erection of the noble edifice which is a source of pride to all citizens of the State, and will be an enduring monument to their enterprise:

And Whereas Mr. Mears, during a residence of nearly forty years in the State, with a generous devotion to its interests has been connected with and initiated many public enterprises tending to promote its welfare, develop its resources, and add to its material wealth; and in particular has, it being a well recognized fact, done more than any other single individual, by the construction of roads, railroads and otherwise, to open for settlement and development an immense area in southwestern and western Colorado, comprising a large portion of the State, whereby happy homes have been furnished to many thousands of prosperous people, and the taxable wealth of the State increased by many millions:

And Whereas, now that the Capitol building is nearing completion, its Board of Managers has adopted the commendable resolution of causing to be placed in the dome of the Capitol, portraits of those of our pioneer citizens who have distinguished themselves by their efforts and achievements in promoting and furthering the settlement of the State, and the development of its magnificent resources:

Now Therefore, Be It Resolved by the Senate of the Thirteenth General Assembly of Colorado, the House of Representatives concurring,

That the Hon. Otto Mears is in the opinion of this General Assembly worthy and deserving to be thus hon-

ored; and the Board of Capitol Managers is hereby requested to cause his portrait to be placed in the Capitol dome, or some suitable place in the Capitol building, with others selected by it in accordance with its resolution.

Approved March 8, 1901.

HOUSE CONCURRENT RESOLUTION NO. 3.

(By Mr. O'Connell.)

Whereas, The grant of power in the federal Constitution confer [conferred] upon Congress the power "to coin money and regulate the value thereof" and thereby the right of the state to coin money was conferred upon congress in trust for the people; and,

Whereas, Silver and gold are money metals of the common law, and coins of such metals are constitutional money, and,

Whereas, The power of coinage is a "great trust," to be executed in behalf of the people; and,

Whereas, The powers delegated to congress in the Constitution, constitute the government of the United States the agent of the states and of the people, expressly limited thereby in its operation; and,

Whereas, When the power of coinage was conferred upon congress, it carried with it the duty and obligation to fully and completely carry out the intent of the agency, and to fully execute the trusts; and,

Whereas, The grant is an affirmative one, "a power to create implying a power to preserve," the affirmative being a negative to all other power; and,

Whereas, Congress is not empowered to make all laws which may have relation to the powers conferred on the government, but such only as may be necessary to carry express powers into effect; and,

Whereas, Congress did "coin money and regulate the value thereof," and did coin money of silver and gold, and

did coin money of silver freely and unrestrictedly for the use and benefit of the depositors of silver bullion for coinage, and did so coin for a period of eighty-four years after the Constitution of the United States went into effect; and,

Whereas; This legislative and contemporaneous construction and exposition of the constitutional power of congress over the coinage practiced and acquiesced in for so long a time has become tantamount to a direct constitutional declaration that congress has no authority to deprive the people of a right so long enjoyed and against which during that time no objection was offered; and,

Whereas, An act of congress of February 12, 1873, demonetizing silver, was in derogation of the sovereignty of the several states and of the people, and was an enactment which was neither necessary nor proper in order to the carrying into effect of the specific power "to coin money and regulate the value thereof"; and,

Whereas, The congress of the United States did, by an act of February 28, 1878, restore to coinage the silver dollar of 412½ grains standard silver to be coined as provided in the act of January 18, 1837; and,

Whereas, The executive department of the government has dispensed with this statute, and has by construction and usurpation assumed powers not granted by the people to either the legislative or executive branches of government; therefore, be it

Resolved, By the House of Representatives (the Senate concurring therein) that the Governor of the State is hereby authorized and directed to take such steps as may be necessary in order to determine the rights of the people, and the extent of the powers and duty of congress over the coinage, and to invite the co-operation of all other states to the end that justice may be re-established and the Constitution become again the supreme law of the nation.

Approved April 6, 1901.

HOUSE CONCURRENT RESOLUTION NO. 5.

(By Mr. Bell.)

WHEREAS, all the great sums of money annually expended for the maintenance of the various state institutions are contributed and paid by the citizens of this state in the form of taxes upon their property or the product of their labor, and as a great portion of said sums of money is used and expended in purchasing merchandise, and other supplies for said institutions; and,

Whereas, Everything that would cause an increased demand for the use of merchandise, etc. manufactured or produced in Colorado, would greatly redound to the benefit and credit of [the] state, opening additional avenues for the investment of capital in manufactories, etc., and giving employment to more of our laboring classes; and,

Whereas, It should be the patriotic duty of every true citizen of the state to aid and assist to the full extent of his power to build up and develop the resources of his state and support its manufactories, workshops and other industries, and, to a greater degree, does this duty devolve upon public officials; therefore be it

Resolved, By the house of representatives, the senate concurring, That it is the sense of this general assembly that all officers and purchasing agents of the various state institutions, whenever purchasing goods, merchandise and supplies for the use of their respective institutions, should and ought to give the preference to goods, merchandise and products manufactured [manufactured] or produced in this state, to the end that it may assist the development of the resources of the state, the encouragement of manufacturing industries in our midst, and the giving of remunerative and steady employment to more of the laboring classes of our state.

Resolved, That a copy of this resolution be enrolled and mailed by the secretary of state to each and all of the heads of all state institutions.

Approved April 29, 1901.

SENATE JOINT RESOLUTION NO. 7.

(By Senator Taylor.)

Whereas, The legislature of the State of Kansas has adopted a Senate Concurrent Resolution instructing the Attorney General of that state to employ legal assistance and bring suit at once against the State of Colorado and our citizens to prevent the further diversion of the waters of the Arkansas for irrigation purposes; and,

Whereas, It is the sense of the Thirteenth General Assembly of the State of Colorado that the citizens of this state have an unquestioned legal and equitable right to continue to divert the waters of said stream for irrigation, domestic and industrial purposes in this state; now, therefore, be it

Resolved, By the Senate, the House of Representatives concurring, that the Attorney General of this state be and he is hereby instructed, by and with the advice and consent of the Governor, to employ such counsel and take such further steps as may be necessary in the premises to fully protect the legal rights of the State of Colorado and her citizens to the use of the waters of the Arkansas river within the borders of this state.

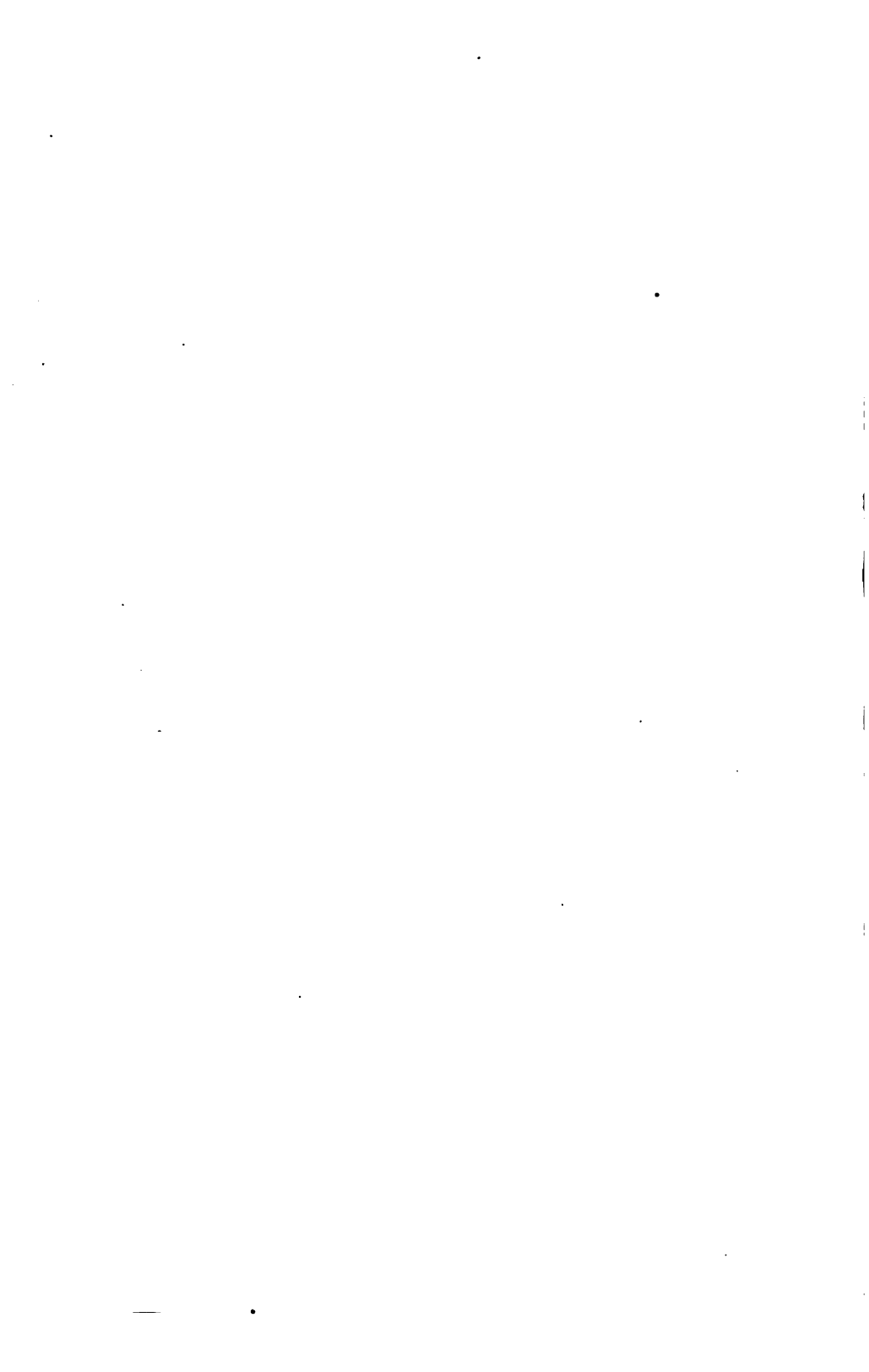
Whereas, In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 16, 1901.

INDEX

TO

CHAPTERS AND TITLES.



INDEX

TO

CHAPTERS AND TITLES.

A

Chap.		Page.
1	Agriculture	19
2	Apportionment	20
3	Appropriation—Bureau of child and animal protection.....	24
4	“ Election contests.....	25
5	“ Expenses of legislative committee.....	26
6	“ Fleming, C. K., relief of.....	27
7	“ General	28
8	“ General	34
9	“ Hayes, M. C., relief of.....	45
10	“ Home for dependent and neglected children.....	46
11	“ Horticulture	47
12	“ Industrial school.....	48
13	“ Industrial school for girls.....	49
14	“ Insane asylum.....	51
15	“ Insane asylum.....	52
16	“ Library commissioners.....	54
17	“ Penitentiary	55
18	“ Penitentiary	57
19	“ Penitentiary improvements.....	57
20	“ Public health.....	58
21	“ Public health.....	59
22	“ Sales, H. N.....	60
23	“ School for deaf and blind.....	61
24	“ School of mines.....	62
25	“ Soldiers' and sailors' home.....	64

Chap.		Page.
26	Appropriation—State agricultural college.....	65
27	“ State normal school.....	66
28	“ State reformatory.....	68
29	“ State reformatory.....	69
30	“ Tarsney, Thomas J.....	70
31	“ Thomas, Charles S. et al., relief of.....	71
32	“ Thirteenth general assembly.....	72
33	“ University	73

B

34	Black Hawk.....	75
35	Black Hawk.....	76
36	Blacklisting	77
37	Boundaries	79

C

38	Capitol appropriation, building and grounds.....	81
39	Capitol appropriation, furniture and fixtures.....	84
40	Capitol appropriation, maintenance.....	85
41	Capitol appropriation, maintenance.....	86
42	Charities and corrections.....	87
43	City of Central.....	90
44	Code of procedure.....	93
45	Constitutional amendment, Australasian tax system.....	95
46	Constitutional amendment, city and county of Denver.....	97
47	Constitutional amendment, qualification of voters.....	107
48	Constitutional amendment, eight-hour amendment.....	108
49	Constitutional amendment, in relation to district attorneys....	110
50	Constitutional amendment, concerning county officers.....	112
51	Constitutional amendment, election of U. S. senators.....	115
52	Corporations, fees.....	116
53	Corporations, foreign railroad companies.....	126
54	Corporations, insurance companies; foreign, life and accident; attorney's fees.....	127
55	Corporations, semi-monthly pay day.....	128
56	Corporations, transmission lines.....	131
57	County boundaries, Adams county.....	133
58	County boundaries, South Arapahoe county.....	133

INDEX TO CHAPTERS AND TITLES.

417

Chap.	Page.
59 County government, commissioners.....	144
60 County government, commissioners.....	147
61 County government, funding and refunding indebtedness.....	148
62 Courts of record, district courts.....	150
63 Courts of record, district courts.....	151
64 Criminal code, capital punishment.....	153
65 Criminal code, intoxicating liquors.....	159
66 Criminal code, larceny of bicycles.....	160

D

67 Damages, co-employee.....	161
68 Denver	162
69 Denver	166
70 Denver	167

E

71 Elections	169
72 Elections, ballots.....	171
73 Elections, judges, clerks, watchers, ballots.....	171
74 Eminent domain.....	173
75 Executive department, interest on warrants and certificates of indebtedness.....	175
76 Executive department, state auditor.....	177

F

77 Feeble-minded persons.....	177
78 Fees and salaries, legal advertisement.....	179
79 Fees and salaries, legal advertisement.....	180
80 Fees and salaries.....	181
81 Flags, desecration.....	182
82 Fish hatchery, Routt county.....	184
83 Forestry	185

H

84 Humane society.....	191
------------------------	-----

I

Chap.	Page.
85 Irrigation	198
86 Irrigation	198
87 Irrigation, district system.....	198

J

88 Judgments and executions.....	221
----------------------------------	-----

L

89 Labor	223
----------------	-----

M

90 Militia, medals.....	234
91 Mines and mining, coal mines.....	235
92 Mines and mining, eminent domain.....	237

O

93 Official reports.....	239
--------------------------	-----

R

94 Revenue	241
------------------	-----

S

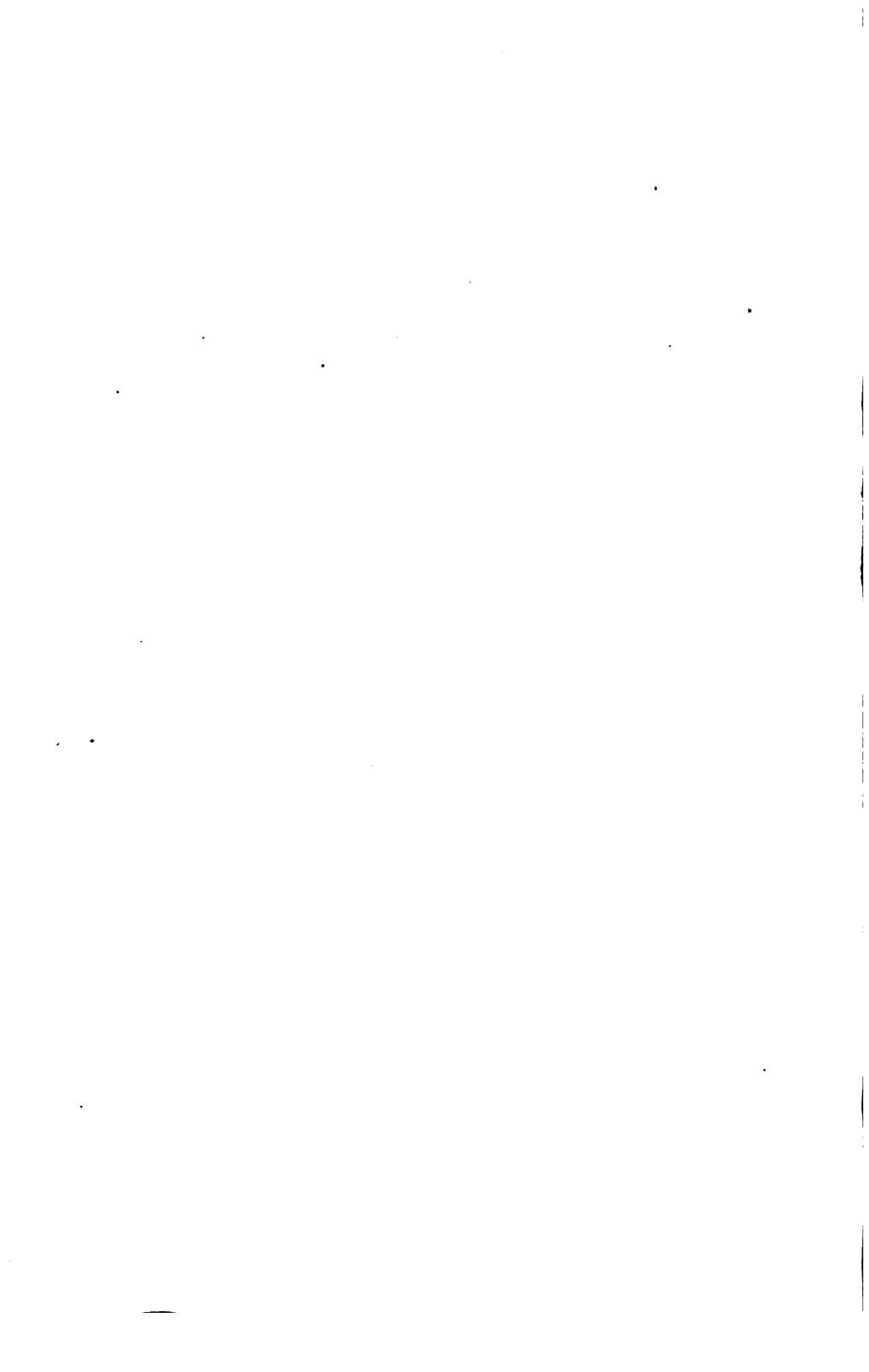
95 St. Louis World's Fair.....	357
96 Schools, humane treatment of animals.....	362
97 Schools, normal institutes.....	363
98 Schools, parental or truant.....	364
99 State canal No. 3, board of control.....	369
100 State normal school, Gunnison.....	375
101 Stock	376
102 Stock, mavericks.....	377
103 Street railroads.....	379

T

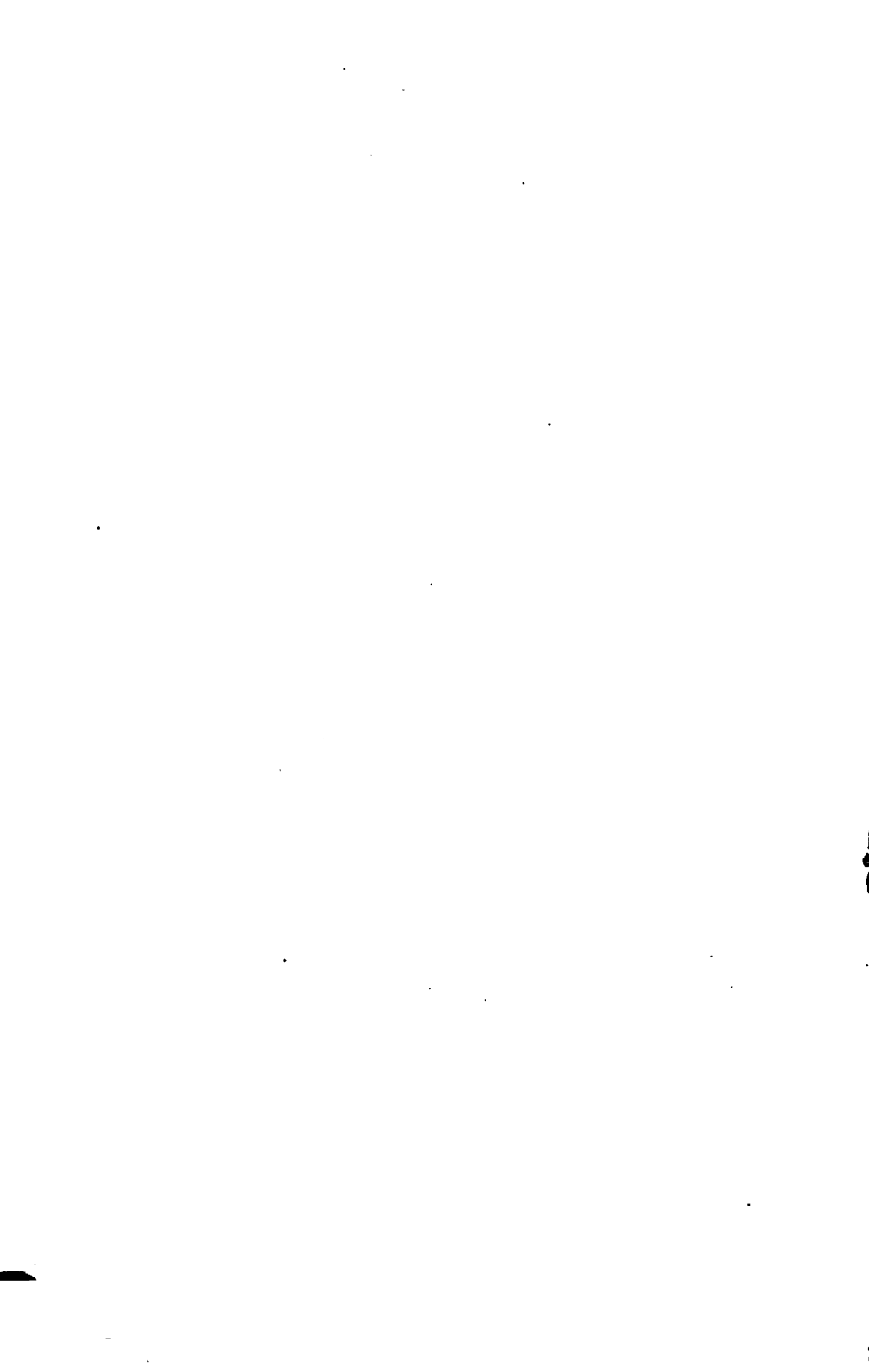
Chap.		Page.
104	Towns and cities	381
105	Towns and cities.....	384
106	Towns and cities, disconnection of territory.....	386
107	Towns and cities, improvements	388
108	Towns and cities, ordinances	392
109	Towns and cities, refunding indebtedness.....	393

U

110	United States.....	398
	Senate Joint Memorial No. 2.....	400
	Senate Joint Memorial No. 3.....	401
	Senate Joint Memorial No. 4.....	402
	Senate Joint Memorial No. 12.....	403
	House Joint Memorial No. 6.....	404
	Senate Concurrent Resolution No. 1.....	406
	Senate Concurrent Resolution No. 6.....	407
	House Concurrent Resolution No. 3.....	408
	House Concurrent Resolution No. 5.....	410
	Senate Joint Resolution No. 7.....	411



INDEX.



INDEX.

A

ABBREVIATIONS—	Sec.	Page.
of words and figures in land descriptions.....	81	279
may be used in advertisements and entries		
for sale of land for taxes.....	171	321

ABORIGINAL ANTIQUITIES—

• memorial for the preservation of in state.....		402
--	--	-----

ABSTRACT OF ASSESSMENT—

See revenue.		
assessor make duplicate and send one copy to		
auditor	114	301
auditor examine, and send assessor certifi-		
cate	117	302
expenses of obtaining, paid by county com-		
missioners	116	302
state board of equalization dispatch mes-		
senger to obtain.....	116	302

ACCOUNTS—

of expenses of officers of state.....	3, 6	32, 44
---------------------------------------	------	--------

ACKNOWLEDGMENT—

fees for, of tax deeds.....	179	327
of petition for exclusion of territory from irriga-		
tion districts.....	23	243

ACTION—	Sec.	Page.
against assessor for breach of statutory duties..	44	256
treasurer to collect fine for loaning public funds	6	242
board of directors of irrigation districts institute and maintain.....	12	208
pending in city of Denver survive to city and county of Denver.....	1	167
pending in courts of twelfth judicial district held as by prior law.....	2	150
to recover fine for loaning public funds.....	6	242
to recover land sold for taxes brought within five years after deed.....	187	332
 ACTION OF DEBT—		
penalty for assessor not computing tax at rate fixed recovered by.....	221	346
 ADAMS COUNTY—		
act establishing boundaries.....	1	133
take effect when.....	15	137
classified as division "A" of the fourth class....	11	136
commissioners fix and determine limits and boundaries of portions to be annexed to adjoining counties, submit to voters.....	14	137
commissioners of, and Arapahoe county adjust and apportion moneys and revenue.....	9	135
falling to agree governor appoint referee....	9	136
appeal from decisions of referee.....	9	136
change of venue.....	9	136
expense of arbitration.....	9	136
congressional, judicial, and normal institute districts	13	137
county and precinct officers, appointment of.....	3	134
for fixing salaries belong to division "A" of the fourth class.....	11	136
county records, Arapahoe retain, pay sum determined for retention with real and personal property	6	135
transcribe records into proper books and deliver	10	136
expense of transcribing.....	10	136

INDEX.

425

ADAMS COUNTY—Continued.	Sec.	Page.
county seat established at Brighton.....	2	134
courts, terms of district and county.....	4	134
moneys of Arapahoe county apportioned.....	8	135
pending suits and proceedings in Arapahoe county transferred.....	5	134
school funds paid over to.....	7	135
senatorial and representative districts, purposes.	12	137

ADDITIONAL ASSESSMENTS—

county treasurer assess property omitted by assessor	153	314
collected as other taxes.....	154	314

ADMINISTRATOR—

give location of real estate subject to tax to county treasurer.....	29	251
inheritance tax, apply to court to make appor- tionment of tax if legacy be not in money.....	26	250
deduct from legacy or appraised value of property	26	250
discharged from liability for.....	28	251
enforce payment in same manner as pay- ment of legacies might be enforced.....	26	250
give bond if not paid within one year.....	25	250
liable until paid.....	23	247
not deliver legacy or property until tax is paid.....	26	250
pay county treasurer money within thirty days	28	251
repay proportion of tax if legatee required to refund proportion of newly proved debts	30	251
retain tax upon whole amount if legacy be in money for a limited period.....	26	250
sell property to pay.....	27	250
send receipt for to state treasurer.....	28	251
liable for failure to list property or pay taxes....	78	278
sign or object to petition to change boundaries of irrigation districts.....	40	223

ADVERTISEMENT—

	Sec.	Page.
for bids for construction of works for irrigation districts.....	21	214

AFFIDAVIT—

of posting of list and notice of sale for taxes, treasurer make.....	161	318
printer transmit, within fourteen days of last publication or receive no pay.....	162	318
showing refusal of inhabitant to submit to examination, assessor make.....	49	259
to person executing deed, purchaser or assignee deliver	181	329

AGENT—

for parental or truant schools, board of education employ necessary.....	3	365
holding property in trust liable for failure to list property or pay taxes.....	78	278
of board of education petition court to inquire into cases of children of compulsory school age	5	365
of corporation not act as election judge or clerk..	1	171
pay taxes from money in possession.....	165	319

AGRICULTURE—

shipping and reshipping farm produce to defraud	1	19
---	---	----

AGRICULTURAL COLLEGE—

See state agricultural college.

ALDERMEN—

See city and county of Denver; towns and cities.

ALLEY—

See towns and cities.

improvement of.....	3	389
---------------------	---	-----

INDEX.

427

ALLEY IMPROVEMENTS—	Sec.	Page.
See towns and cities.		
how paid.....	3	389
ALLEY INTERSECTION—		
See towns and cities.		
improvement of, how paid.....	2	389
AMENDMENTS—		
of articles of incorporation of domestic corporations, joint stock companies or associations..	2	117
AMOUNT—		
of refunding bonds, council or trustees determine	1	393
paid for lands sold draw interest fixed by law		
unless lower rate is offered.....	173	323
ANIMALS—		
See state bureau of child and animal protection.		
humane treatment of, taught in public schools..	1	393
ANNEXATION—		
commissioners of Adams county fix and determine		
portions to be annexed to adjoining counties..	14	137
contiguous towns and cities become a part of		
Denver by.....	1	164
of contiguous territory to irrigation district.....	30	213
school districts into district No. 1 of Denver.	7	105
ANNEXATION STATUTES—		
apply to city and county of Denver.....	1	99
ANNUAL CHARGES—		
by transmitting companies for right of way.....	1	121
ANNUAL MEETING—		
See revenue.		
of assessors of state at capitol.....	88	223

ANNUAL REPORT—

Sec. Page.

See revenue.

coal mining company, contents, when and where filed, fee, verification.....	11	121, 124, 125
corporation, joint stock company or association, when and where filed, contents, fee, verifica- tion	5, 11	121, 125
corporation not for profit, fee for filing.....	11	125
ditch, canal and power companies, contents, when and where filed, fee, verification.....	11	121, 124
mining company, contents of, when and where filed, fee, verification.....	11	121, 122 124, 125
railroad company, contents, when and where filed fee, verification.....	11	121, 123, 124
state bureau of child and animal protection, size, secretary of state publish, number of copies, distribution	5, 6	191
telegraph and telephone companies, contents, when and where filed, fee, verification.....	11	121, 123, 124

ANNUITY—

included in term credit for taxation.....	13	243
---	----	-----

APPARATUS—

for parental or truant schools.....	2	205
removing coal from mine bear district num- ber	2	206

APPEAL—

from decision of assessor refusing to change assessment	94	230
board of equalization by assessor.....	190	238
commissioners of Arapahoe and South Arap- ahoe county adjusting revenues.....	11	141
justice for interfering with headgate or water box.....	2	197
from order appraising property and assessment of inheritance tax.....	33	253

INDEX.

429

APPEAL—Continued.	Sec.	Page.
not affected by new revenue law.....	239	356
of assessor heard summarily.....	89	288
to supreme court, in cases of contempt.....	3	94
APPLICANT—		
for teacher's certificate pay fee for examination.	1	363
APPLICATION—		
for order to condemn property for public or private use.....	1	174
relief of feeble minded persons.....	1	177
to cut trees upon lands owned by state.....	2	186
be published.....	4	186
APPOINTEES—		
See towns and cities.		
of fire, street, health and market departments in cities of first class suspended by mayor until action of council.....	2	382
APPOINTMENT—		
of assistant in charge of Routt county hatchery.	6	186
board of control of state canal No. 3.....	1	369
judges and clerks of election.....	1	171
to organize irrigation district.....	5	202
APPORTIONMENT—		
of indebtedness of Arapahoe county.....	9	140
number of representatives.....	1	20
representative districts, how constituted....	5	23
senatorial districts, how constituted, numbered	2	20
tax if legacy be not in money.....	26	250
water of irrigation districts when insufficient supply.....	27	217
APPRAISAL—		
of property for exemption for term of years from inheritance tax.....	24	249
subject to inheritance tax.....	33	262
trust property to determine inheritance tax..	26	250

APPRAISER—

	Sec.	Page.
for state land board, estimate cost of examining and reporting upon application to cut trees....	3	186
inspect premises and report in writing.....	6	187
value destruction of trees by railroad company	14	189
make written report to county court of facts required concerning property subject to inheritance tax.....	33	252
notify by mail all persons interested in property subject to inheritance tax of time and place of appraisal	33	252
subpoena witnesses to assist in determining value of property subject to inheritance tax.....	33	253
taking fees from person liable to pay inheritance tax guilty of misdemeanor.....	34	253

APPROPRIATION—

\$4,000 for expenses of determining southern boundary of the state.....	5	80
\$6,000 for bureau of child and animal protection..	1	24
\$84,000 for maintenance and support of capitol building and grounds.....	1	86
\$6,000 for furniture, carpets and fixtures for capitol	1	84
\$4,000 for adjusting grounds, pavement and lawn of capitol to grade.....	1	82
\$48,400 for a dome statuary and other improvements of capitol building.....	1	81
\$53,000 for completion and improvement of capitol building	1	81
\$12,000 as part maintenance and support of capitol building and grounds.....	1	85
\$400 to reimburse city of Denver for paving.....	1	82
\$1,422.53 for election contest.....	1	25
\$341,233.16 for part expenses of executive, legislative and judicial departments.....	1	28
\$1,900 for relief of C. K. Fleming.....	1	27
\$12,000 for expenses of committees and contingent expenses ordered by either house of the thirteenth general assembly.....	1	72

APPROPRIATION—Continued.

\$75,000 per diem and mileage of members and employees of thirteenth general assembly.....	1	72
\$15.00 to pay M. C. Hayes.....	1	45
\$300 for inauguration expenses.....	1	72
\$78,000 for incidental and contingent expenses of departments and bureaus of government.....	2	42
\$2,000 for legislative expenses.....	1	41
\$25,000 for per diem and mileage of members of legislature.....	1	41
\$711.45 for expenses of legislative committee....	1	26
\$5,000 for money expended and services rendered on matters of the Colorado Paris exposition commission	1	71
salaries of state officers in general appropriation bill.....	1	34, 41
\$50,000 for use of board of St. Louis world's fair managers	12	361
\$25.00 to pay H. N. Sales, secretary of senate.....	1	60
\$10,000 for improvement and repairs of soldiers' and sailors' home.....	2	64
\$40,000 for maintenance and support of soldiers' and sailors' home.....	1	64
\$6,000 to construct and equip barn and stock yards for state agricultural college.....	1	65
\$2,000 for student labor at state agricultural college	1	65
\$6,000 for state board of health, contingent expenses, salary of secretary, etc.....	1	59
\$4,000 for state board of health in suppression of epidemic.....	1	58
\$5,000 for use of state board of horticulture....	1	47
\$500 for state board of library commissioners....	1	54
\$1,900 for state board of medical examiners, clerk hire, etc.....	1	27
\$25,000 for construction of state canal No. 3.....	24	374
\$2,500 for purchasing site for branch state fish hatchery for erection and stocking.....	1	184
\$1,900 for salary of assistant in charge of state fish hatchery in Routt county.....	7	185
\$43,000 for support and maintenance of home for dependent and neglected children.....	1	46

APPROPRIATION—Continued.	Sec.	Page.
\$90,000 for state industrial school, support, maintenance, buildings, etc.....	1	48
\$17,000 for buildings and equipments for state industrial school for girls.....	1	49
\$5,000 for pumping equipment, repairs and improvement for state industrial school for girls..	3	50
\$3,000 for balance of purchase price on premises for state industrial school for girls.....	2	50
\$25,000 for maintenance, support and incidental expenses of state insane asylum.....	1	51
\$3,000 for fire escapes for buildings of state insane asylum	3	52
\$20,000 for heating plant and laundry for state insane asylum.....	2	52
\$75,000 for general support, maintenance and salaries for state insane asylum.....	1	52
\$6,000 for repairs of state insane asylum.....	4	53
\$5,000 for insuring buildings of state insane asylum	5	53
\$109,000 for state insane asylum.....	7	53
\$7,500 for protection of property of state insane asylum against the Arkansas river.....	1	51
\$25,000 for heating plant, improving ventilation and lighting facilities and erecting and furnishing a west wing at state normal school.....	1	66
\$25,000 including one-fifth mill levy for state normal school.....	2	67
\$2,500 for improving site for state normal school at Gunnison.....	3	375
\$170,000 for penitentiary.....	1	56
\$2,500 for penitentiary, repairs and improvements.	1	57
\$75,000 for general support and maintenance of state reformatory.....	1	63
\$7,000 for erecting half of wing to cell house at state reformatory.....	1	69
\$3,000 for erecting steam heating plant at state reformatory	1	69
\$18,000 for state school for deaf and blind, additional support and maintenance.....	1	61
\$25,000 part payment for state school of mines....	1	55
\$25,000 for building heating appliances, etc., at state school of mines.....	3	62

INDEX.

433

APPROPRIATION—Continued.

	Sec.	Page.
\$25,000 for state school of mines.....	2	63
\$120,000 for support and use of the state university.	1	73
\$5,000 for Thomas J. Tarsney for injuries received during strike at Cripple Creek from military poll fund.....	1	70

ARAPAHOE COUNTY—

See Adams county; South Arapahoe county.		
city and county of Denver hold all property of....	1	98
consolidation of a part of, with city of Denver....	1	97
constitutes first senatorial district.....	3	21
in twelfth senatorial district.....	3	21
in twenty-second senatorial district.....	3	22
in first class for regulating salaries of officers....	1	181
number of representatives.....	5	23
outgoing officers deliver property of county to officers of city and county of Denver.....	3	168
retain county records and real and personal prop- erty paying Adams county sum determined.....	6	135
treasurer pay school funds over to Adams county.	7	135

ARCHULETA COUNTY—

in eighteenth senatorial district.....	3	22
in fifth class for regulating salaries of officers....	1	181
number of representatives.....	5	23
terms of district court.....	1	152
June, 1901, term not affected by change.....	2	152

ARID LANDS—

memorial opposing ceding of by United States to the several states.....	400
memorial opposing leasing to persons or corpora- tions	400

ARKANSAS RIVER—

encroachment upon property of state insane asylum	1	51
resolution directing the attorney general to pro- tect rights to the waters of.....		411

ARREARAGES—	Sec.	Page.
property omitted in assessment inserted in roll and charged with.....	125	305
ARREST—		
of violators of law against fire in forest areas....	13	189
ARTICLES OF INCORPORATION—		
see corporations; fees.....	1	116
ASSENT—		
of holders of outstanding bonds to exclusion of territory from irrigation districts, how evi- denced, filed and recorded.....	47	225
to annexation of territory contiguous to irrigation district, how given.....	32	219
ASSESSMENTS—		
See irrigation districts; revenue.		
ASSESSMENT LIST—		
See revenue.		
assessor or treasurer correct omissions, errors or defects in form of.....	175	323
ASSESSMENT ROLL—		
See revenue.		
assessor make abstract of, in duplicate and send one to auditor.....	114	301
personally produce before auditor and make oath of truth of statement.....	86	281
auditor preserve record of presentation and authentication of.....	86	282
place, name and description of state canal No. 3.....	234	350
error in name upon, may be corrected and tax collected from person intended.....	129	306
has no validity until subscribed and sworn to before auditor.....	86	282

INDEX.

435

ASSESSMENT ROLL—Continued.

	Sec.	Page.
not invalidated by absence of assessor from annual meeting if sworn to at another time.....	88	283
of counties of less than 100,000 population produced at Boulder.....	86	282
prima facie evidence.....	8	242

ASSESSOR—

see revenue.		
assess all real estate exclusive of improvements in irrigation districts, make return to county commissioners	17	211
governor remove.....	91	288
county commissioners fill vacancy in office of	91	288
of county of Arapahoe become assessor of city and county of Denver.....	3	180
time of election changed and term of office extended	2	113

ASSESSORS—

See revenue; state board of assessors.

ASSIGNEE—

make affidavit of having complied with requirements for application for deed.....	181	328
deliver to person executing deed.....	181	329

ASSIGNMENT—

of certificate of purchase, by endorsement.....	177	326
held by county, fee.....	179	327
recorded vests title in assignee.....	177	326
of land sold for taxes treasurer record.....	172	322

ASSOCIATION—

See corporation.		
fee for filing amendments to articles of incorporation	2	117

ASSOCIATION—Continued.	Sec.	Page.
fee for filing—continued.		
articles of incorporation.....	1	116
increase of capital stock.....	3	118
file annual report.....	11	121
officers and directors liable for debts and unpaid fees	11	125
operating street railway place additional matter in schedule for taxation.....	235	350
 ATTACHMENTS—		
still binding in twelfth judicial district as by former law.....	2	150
 ATTESTATION—		
of clerk on adopted ordinance show facts of introduction and publication or posting.....	1	392
 ATTORNEY GENERAL—		
See Arkansas river.		
bring suit for breach of conditions of assessor's bond	44	256
wilful violation of semi-monthly pay day....	8	130
member of board of directors of state bureau of child and animal protection.....	2	191
state auditing board.....	4	32
	3	42
 ATTORNEY'S FEE—		
taxed as costs against insurance company when fixed by court.....	1	127
in suits for wages.....	7	130
 AUDITING BOARD—		
See state auditing board.		
 AUDITOR—		
of city of Denver becomes auditor of city and county of Denver.....	3	100

INDEX.

437

AUDITOR OF STATE—

	Sec.	Page.
administer oath to assessor.....	86	282
allow no unreceipted interest on warrants.....	208	339
treasurer for erroneous assessments or sales	202	339
draw warrants for compensation of assessor.....	89	287
board of horticulture.....	3	48
election contest.....	2	25
expenses of joint resolution committee..	1	26
Hayes, M. C., sergeant-at-arms.....	2	45
penitentiary	1	55
penitentiary	2	56
penitentiary	2	57
Routt county hatchery.....	8	185
school for deaf and blind.....	2	62
state agricultural college.....	4	66
state bureau of child and animal pro- tection	1	24
state industrial school.....	2	49
state insane asylum.....	1	51
state insane asylum.....	8	54
state reformatory.....	2	68
on county fund.....	1	177
contingent fund.....	5, 4	48
to pay expenses of Colorado Paris exposition commission	1	71
pay H. N. Sales.....	2	60
pay Thomas J. Tarsney.....	1	70
reimburse secretary of state board of medical examiners.....	1	27
examine abstract and send assessor certificate...	117	302
give county credit for state taxes cancelled.....	208	340
issue certificates of indebtedness for material and labor for erection and construction of capitol..	2	82
materials and labor performed at capitol....	2, 2	84, 86
on state canal No. 3.....	12	372
make proper entries relieving old and charging new treasurer with delinquent taxes.....	139	310
may excuse absence from assessors' meeting.....	88	283
member of state auditing board.....	4, 3	32, 42
notify corporations liable to license tax.....	70D	274
pay to treasurer receipts from license tax of cor- porations, take receipt.....	70E	274

AUDITOR OF STATE—Continued.	Sec.	Page.
personally attend at Boulder to receive assessment roll and administer oaths.....	86	262
prescribe form of schedule of taxable property..	54	263
instructions and forms for special returns of corporations, deliver to assessor.....	70	273
preserve record of presentation and authentication of assessment roll of each county.....	86	282
print and transmit schedule of taxable property to assessors.....	54	263
provide place for assessors to meet.....	88	283
publish list of corporations forfeiting charters or right to do business.....	70E	274
register refunding bonds upon receipt of certified copy of order of council or trustees, fee.....	5	397
submit to general assembly itemized report of expenditures from contingent fund.....	5, 5	33, 43
transfer stock brand fund to bounty fund.....	1	176
transmit statement of changes in assessment and rate of tax to clerks.....	221	345

AUSTRALASIAN TAX SYSTEM—

See constitutional amendments.		
canvass of votes upon.....	5	96
manner of voting upon.....	4	96

AUTOMATIC VOTE REGISTERS—

council of Denver may adopt.....	5	104
----------------------------------	---	-----

AVENUE—

board of directors of irrigation district construct canal across.....	24	216
---	----	-----

B

BACA COUNTY—

in fifth class for regulating salaries of officers....	1	181
in twenty-fifth senatorial district.....	8	22
number of representatives.....	5	23

INDEX.

439

BALLOT—

	Sec.	Page.
See election.		
corner of, made black.....	1	170
for election to change boundaries of irrigation districts, form of.....	36	220
dissolve irrigation district, form of.....	53	228
exclude territory from irrigation districts, form of.....	48	225
form of, for election for organization of irrigation districts	2	200
question of refunding city or town indebtedness	1	394
to authorize bonds of irrigation districts	13	209
constitutional amendment fixing qualifications of voters.....	2	107
making eight hours a day's labor.....	2	109
relating to Australasian tax system....	4	96
to city and county of Denver.....	2	106
to county commissioners, county officers, justices and constables..	4	114
to county judges.....	3	111
to district attorneys.....	3	111
how marked and counted at election.....	3	172
on question of bonds for city of Central.....	9	92
on refunding indebtedness, how deposited.....	1	394
preparation by judges and clerks.....	1	170

BALLOT BOX—

for election on refunding indebtedness, separate..	1	394
--	---	-----

BANK DEPOSITS—

See revenue.		
assessed by average credits for the year.....	75	277
made outside of state by residents assessable	75	277

BANKING ASSOCIATIONS—

See revenue.		
lands or other property of, held for tax upon shares	208	341
liable as agents for tax upon shares.....	208	341

BANKING ASSOCIATIONS—Continued.		Sec.	Page.
make assessor sworn statement of condition and value of stock.....	210		341
officers of, give assessor list of shares and owners	208		340
falling to comply with law liable for whole tax on its shares.....	208		341
retaining dividend enough to pay tax upon shares	208		341
BENEFITS—			
See towns and cities.			
cost of alley intersections assessed upon real estate in proportion to.....	2		339
alley improvements upon abutting lots.....	3		339
street	1		338
of sanitary sewer assessed upon real estate.	5		330
sewer outlets.....	7		331
storm sewer.....	6		330
excess of benefits to abutting property paid from general fund.....	1		338
real estate of irregular form not assessed for street and alley improvements beyond.....	4		339
BENEVOLENT SOCIETIES—			
file annual report, fee.....	11		125
pay no fee for filing amendment to articles.....	2		118
for certificate of authority.....	10		121
BENT COUNTY—			
in fifth class for regulating salaries of officers....	1		181
in twenty-fifth senatorial district.....	3		22
number of representatives.....	5		22
BEQUESTS—			
city and county of Denver may receive, manage and dispose of.....	1		96
city of Denver may receive.....	1		166
BICYCLES—			
person stealing is guilty of grand larceny.....	1		160

INDEX.

441

BIDS—

	Sec.	Page.
board of control of state canal No. 3 advertise for.	14	872
receive, for furnishing materials for work on		
state canal No. 3.....	7	871
for constructing works of irrigation dis-		
tricts, opened in public.....	21	214

BILL OF SALE—

round-up commissioners give, with description		
and price paid for maverick.....	1	377

BILLS—

county commissioners publish proceedings relating		
to allowance of.....	1	147

BLACK HAWK—

city council fix water rates and rentals and		
change rates.....	1	74
give notice of water rates and time of pay-		
ment	1	75
impose penalties for non-payment of water		
rates	1	75
pass ordinances necessary to enforce act re-		
lating to water system.....	4	75
provide for conveyance of title to all prop-		
erty belonging to the public schools.....	3	76
water system.....	1	74
shut off water for non-payment of rental.....	1	75
supply water for mechanical and other pur-		
poses	1	74
property may be sold for non-payment of water		
rents in same manner as for taxes.....	2	75
public schools organized, governed and conducted		
in accordance with general school law.....	1	76
unpaid water rents and meter charges may be en-		
tered upon tax warrants against property liable		
and included in sale and redemption.....	3	75
may be collected in same manner as taxes...	2	75
water rent and cost of meter a perpetual lien on		
property until paid.....	2	75

BLACKLISTING—

law repealed.....	1	77
-------------------	---	----

BLANKS—	Sec.	Page.
See revenue.		
for schedule of property assessor leave.....	45	257
BLAST FURNACES—		
constitutional amendment for eight hour day in..	1	100
BLIND—		
See school for deaf and blind.		
BOARD OF CHARITIES AND CORRECTIONS—		
See state board of charities and corrections.		
BOARD—		
of child committed to parental or truant school parents or guardian pay cost of.....	7	365
BOARD OF CONTROL—		
See state canal No. 3; state home for dependent and neglected children; state industrial school; state industrial school for girls.		
BOARD OF DIRECTORS—		
See irrigation districts.		
of state bureau of child and animal protection...	2	191
BOARD OF EDUCATION—		
See city and county of Denver; parental and tru- ant schools.		
furnish necessities for operation of parental or truant schools.....	2	365
of district No. 1, powers and duties of.....	7	105
prescribe methods of discipline, course of instruc- tion and manage parental or truant schools as prescribed by law for other schools.....	3	365
BOARD OF ELECTION—		
of irrigation district, board of directors failing to appoint, electors, fill vacancy.....	5	203
duties of officers.....	6	203
take and administer oath.....	6	203

INDEX.

443

BOARD OF EQUALIZATION—

Sec. Page.

See county board of equalization.

BOARD OF HEALTH—

See state board of health.

BOARD OF LAND COMMISSIONERS—

See state board of land commissioners.

BOARD OF LUNACY COMMISSIONERS—

not expend in excess of \$241,500 for state insane asylum for 2 years.....	7	53
president sign, secretary attest vouchers for state insane asylum.....	1, 8	51, 54
with superintendent of state insane asylum control expenditure of appropriation.....	8	54

BOARD OF MEDICAL EXAMINERS—

See state board of medical examiners.

BOARD OF PENITENTIARY COMMISSIONERS—

not contract indebtedness beyond appropriation for penitentiary.....	2	56
president certify and secretary attest vouchers for penitentiary.....	1, 2, 2	55, 56, 57
for state reformatory.....	2	68

BOARD OF ST. LOUIS WORLD'S FAIR MANAGERS—

appropriation for.....	12	361
audit accounts and issue vouchers.....	10	360
call upon state institutions for collections or articles of interest.....	8	360
collect and publish data of resources of state.....	5	358
subscriptions to defray expenses in part.....	7	359
disseminate information regarding exposition throughout state.....	5	358
duties and compensation of commissioner-in-chief.....	9	360
of members.....	9	360

BOARD OF ST. LOUIS WORLD'S FAIR MANAGERS—

Continued.	Sec.	Page.
employ necessary clerical help.....	5	359
give bond to state institutions for safe return of articles loaned.....	8	360
government of.....	3	358
governor appoint.....	2	357
have charge of preparation and exhibition of state products.....	5	358
headquarters after opening of exposition.....	4	358
how constituted.....	1	357
limit of expense.....	5	359
	12	361
meetings held when, where.....	4	358
membership of.....	1	357
meet and organize.....	3	357
term of office.....	2	357
moneys unexpended turned into state treasury as "Exposition Fund".....	11	361
no officer or member contract indebtedness with- out authority.....	10	360
pay expense of transporting exhibits.....	6	359
president appoint person recommended by com- missioners to prepare exhibits.....	6	359
quorum	3	358
return all collections and exhibits at close of fair.	11	361

BOARD OF TRUSTEES—

See school for deaf and blind; towns and cities.

BOARDS—

of city of Denver become, of city and county of Denver	3	100
---	---	-----

BOND—

See revenue.		
of assessor, cost of included in expenses.....	44	256
board of directors in irrigation districts subscribe official, approved by judge, re- corded with county clerk, form.....	4	202
contractors for constructing works of irri- gation districts.....	21	214

INDEX.

445

BOND—Continued.	Sec.	Page.
of devisee electing not to pay tax until in actual possession of property filed with county clerk..	24	249
members of board of control of state canal No. 3.....	1	369
owner of lost certificate.....	200	333
person cutting trees upon state land.....	8	188
transcribing records of property in Arapahoe and South Arapahoe counties	12	142
petitioners for irrigation district, amount...	2	199
treasurer of St. Louis World's Fair managers	3	358
BOND FUND—		
county treasurer keep, what constitutes.....	19	213
BONDHOLDERS—		
consent to exclusion of territory from irrigation districts	47	225
BONDS—		
See city of Central; irrigation districts; refunding bonds; revenue.		
of Denver and Arapahoe county, how paid.....	1	98
still binding in twelfth judicial district as by former law	2	150
BOOK ACCOUNTS—		
aggregate cash value used as basis for assessment	52	260
BOOK OF TAX SALES—		
treasurer endorse subsequent taxes and date of payment upon.....	178	326
BOOKS—		
state board of equalization compel production of.	88B	285
BOOKS OF RECORD—		
determine amount due on unredeemed lands.....	197	337

BOSS—	Sec.	Page.
of corporation not act as election judge or clerk...	1	171
BOULDER--		
assessment rolls of counties of more than 100,- 000 population produced before auditor at.....	86	282
BOULDER COUNTY—		
constitutes the fifth senatorial district.....	3	21
in tenth senatorial district.....	3	21
in twenty-sixth senatorial district.....	3	22
in third class for regulating salaries of officers....	1	181
number of representatives.....	5	23
BOUNDARIES—		
See county boundaries; irrigation districts.		
of Denver	1	162
southern boundary of state fixed by commission..	3	80
BOUNTY FUND—		
stock brand fund transferred to.....	1	176
BOYCOTTING—		
law repealed.....	1	77
BRAKEMAN—		
on railroad not work more than sixteen hours without rest	1	223
BRIBES—		
directors of irrigation districts not receive.....	25	217
BRIDGE—		
proceedings to condemn land for.....	1	174
BRIGHTON—		
county seat of Adams county established at.....	2	134

INDEX.

447

BUILDING AND LOAN ASSOCIATIONS—

See revenue.		
liabilities deducted from money, notes and credits and surplus assessed where principal office is situated	76	278
make return where principal office is located, contents of schedule.....	76	277

BUILDINGS—

board of control of state canal No. 3 acquire location for.....	3	370
for parental or truant schools.....	2	365
included in term improvements for taxation.....	13	243
railway corporation return detailed statement of.	97	292
subject to sale for non-payment of taxes.....	153	316
used for religious, school or charitable purpose exempt from taxation.....	17	245

BUREAU OF CHILD AND ANIMAL PROTECTION—

See state bureau of child and animal protection.

BURIAL—

of convict suffering death penalty.....	11	157
---	----	-----

BUSHEL—

eighty pounds of coal constitute.....	2	236
---------------------------------------	---	-----

BY-LAWS—

of irrigation districts printed for distribution.....	9	205
---	---	-----

C

CABLE CARS—

provided with vestibules.....	1	379
-------------------------------	---	-----

CABLE COMPANY—

receiver appointed to collect delinquent taxes when	238	351
---	-----	-----

CALL—	Sec.	Page.
for refunding bonds how published.....	4	396
CAMPING PARTIES—		
secure permit to camp in forest district.....	11	188
CANAL—		
See irrigation districts; state canal No. 3.		
board of control of state canal No. 3 acquire right		
of way for.....	3	370
directors of irrigation districts construct		
canal across.....	24	216
locate and construct or purchase.....	10	207
not taxed when used exclusively by owners.....	17	245
owner maintain headgate, measuring flume or		
weir, failure.....	1	193
when not affected by irrigation districts.....	1	199
CANAL COMPANY—		
file annual report, contents, fee.....	11	121, 124
make schedule of property for taxation.....	233	350
CANVASS—		
of votes on constitutional amendment establish-		
ing city and county of Denver.....	3	106
fixing qualifications of voters.....	3	108
relating to Australasian tax system.....	5	96
county judges and district attor-		
neys	4	111
county officers.....	5	115
eight hour law.....	3	109
election in irrigation districts, when made,		
postponement, how made, results.....	7	203
refunding indebtedness.....	1	394
special election to dissolve irrigation districts	54	223
CAPACITY—		
of car used in coal mining kept plainly marked		
upon it.....	2	236

INDEX.

449

CAPITAL PUNISHMENT—

Sec.

Page.

See criminal code; death penalty.

CAPITOL BUILDING FUND—

appropriation from.....	1	81
for maintenance and support of capitol building and grounds.....	1	85, 86
certificates of indebtedness payable out of.....	2	82
for labor and materials payable from.....	2	84, 86

CAR—

for removing coal from mine each bear distinct number	2	236
trailer not provided with vestibule.....	2	379

CASH—

See revenue.

county treasurer require, for lands sold for delinquent taxes.....	169	321
taxes, fees, penalties and costs payable in.....	127	306

CEMETERIES—

not private, exempt from taxation.....	17	245
--	----	-----

CERTIFICATE—

See revenue.

auditor examine abstract and send assessor.....	117	302
council or trustees make and record for amount of refunding bonds to be issued.....	1	393
of clerk on adopted ordinance show facts of introduction and publication or posting.....	1	392
of loss, record of, made in proceedings of board by clerk.....	179	327
of treasurer, prima facie evidence in case of unpaid tax on concealed property.....	132	307

CERTIFICATE OF ASSESSMENT—

See revenue.

of grazing live stock, assessor give.....	217	344
penalty for fraudulently obtaining, for grazing live stock.....	217	344

CERTIFICATE OF AUTHORITY—	Sec.	Page.
of corporation, joint stock company or association	10	121
CERTIFICATE OF ELECTION—		
of officers of irrigation district.....	8	204
CERTIFICATE OF IMPRESSION OF CORPORATE SEAL—		
fee for filing.....	9	120
CERTIFICATE OF INDEBTEDNESS—		
drawn on capitol building fund draw five per cent.		
interest	1	176
state draw four per cent. interest.....	1	176
for capitol improvements, not exceed appropriation	2	88
treasurer advertise readiness to pay in order of indorsement, interest cease.....	3	83
for furnishing materials and labor about capitol.	2	84
for maintenance, materials and labor for capitol.	2	86
issued by state board of agriculture.....	4	66
CERTIFICATE OF PAID-UP STOCK—		
fee for filing.....	9	120
CERTIFICATE OF PURCHASE—		
See revenue.		
assignable by endorsement.....	177	326
when recorded vests title in assignee.....	177	326
at redemption interest shall be at rate specified in clerk assign.....	173	323
contents of.....	166	320
county commissioners issue certificate of proof of loss of.....	176	323
fee for.....	179	327
assignment, when held by county.....	176	324
form of.....	179	327
lawful holder demand deed after three years.....	176	324-5
	179	326

INDEX.

451

CERTIFICATE OF PURCHASE—Continued. Sec. Page.

purchaser of more than one parcel of land may have whole included in one.....	176	324
treasurer give purchaser of real property sold for taxes	176	323
issue to county.....	186	320
may assign, held by county to person paying all costs.....	179	327

CERTIFICATE OF REDEMPTION—

See revenue.		
and record prima facie evidence of redemption...	195	337
county clerk endorse and record redemption.....	195	337
county treasurer issue and record.....	190	334
fee for recording.....	196	237
form of, fee.....	194	335-6
treasurer give.....	197	338
issue, for proportionate interest of undivided estate	193	335
part of land owned in severalty.....	191	334
may include more than one tract in one.....	194	335

CERTIFIED CHECK—

registrar of board of land commissioners require with application to cut trees.....	3	186
---	---	-----

CERTIFIED COPIES—

of report of commissioner appointed to assist in determining southern boundary of state received as evidence.....	4	80
---	---	----

CESSION—

of land to United States for public building in Colorado Springs.....	1	398
---	---	-----

CHAFFEE COUNTY—

in fourth class, division "B," for regulating salaries of officers.....	1	181
in twentieth senatorial district.....	3	22
number of representatives.....	5	23

CHAIRMAN—	Sec.	Page.
of board of county commissioners, how chosen, compensation	5	146
of state convention file roll of membership of state central committee with secretary of state	2	169
 CHALLENGERS—		
at elections, watchers act as.....	2	172
 CHARITIES AND CORRECTIONS—		
See state board of charities and corrections.		
 CHARTER—		
See city and county of Denver.		
of cities of first and second class may be amended	6	106
of city of Denver published in session laws.....	3	168
 CHARTER AMENDMENT—		
See city and county of Denver.		
published by city clerk before and after vote taken upon it.....	5	103
 CHARTER CONVENTIONS—		
See city and county of Denver.		
constitutional amendment, to provide for, in cities of first and second class.....	6	104
how held in cities of first and second class.....	6	104
 CHEYENNE COUNTY—		
in fifth class for regulating salaries of officers....	1	181
in twenty-second senatorial district.....	3	22
number of representatives.....	5	23
 CHILD—		
discharged from parental or truant school not recommitted except on petition.....	9	363
from parental or truant school violating parole returned and not again released for three months	10	363
on parole from parental or truant school satisfac- tory for one year given final discharge.....	9	367

INDEX.

453

CHILD—Continued.	Sec.	Page.
principal of school where, from parental or truant school is attending, make monthly re- port to superintendent.....	9	367
CHILD AND ANIMAL PROTECTION—		
See state bureau of child and animal protection.		
CHILDREN—		
See state bureau of child and animal protection.		
bureau for protection of, established.....	1	24
state home for dependent and neglected.....	1	46
CHIEF OF FIRE DEPARTMENT—		
in cities of first class, appointed and removed by mayor, with approval of council.....	1	381
CHIEF OF POLICE—		
in cities of first class, appointed by mayor, with approval of council.....	2	382
of city of Denver becomes ex-officio sheriff of city and county of Denver.....	3	100
CIRCUMSTANTIAL EVIDENCE—		
conviction upon, exempts from death penalty,.....	2	154
CITIES—		
of first and second class may hold charter con- vention	6	104
CITIZEN—		
may petition court to inquire into cases of chil- dren of compulsory school age.....	5	365
CITY—		
disconnecting land does not exempt from taxes for indebtedness contracted while within limits of	4	387
petition to disconnect land.....	2	386
county judge set time for hearing.....	3	386
public utilities maintained for three years, owner not entitled to disconnect land.....	3	387

CITY AND COUNTY OF DENVER—

	Sec.	Page.
See school districts.		
acquire all benefits of former city of Denver and county of Arapahoe.....	1	98
assume and pay all bonds, obligations and indebtedness of city of Denver and included municipal corporations and county of Arapahoe...	1	98
assume, manage and control all trusts connected therewith.....	1	98
ballot to vote upon adoption of constitutional amendment	2	106
canvass of votes in election for.....	3	106
charter approved become organic law superseding existing charters and amendments.....	4	102
citizens amend or adopt new.....	5	103
not diminish tax rate for state purposes....	5	104
provide civil service regulations for departments of fire, police, public utilities and public works.....	3	100
for amending and repealing ordinances.	4	102
initiation and reference of measures	5	104
publish new charter, charter amendment, call for charter convention, etc., before election	5	103
signed by officers and members of convention, delivered to clerk, certified and published	4	101
ten per cent. of citizens may call special election for.....	5	103
two copies of approved charter with vote thereon certified by clerk filed with secretary of state becomes charter of.....	4, 5	101, 103
charter convention called by special election ordinance	5	103
citizens petition for.....	5	103
council call special election to choose delegates	4	101
elections for charter conventions and charter votes, how expenses paid.....	4	102
to choose delegates.....	4	101
expenses, how paid.....	4	102

INDEX.

455

CITY AND COUNTY OF DENVER—Continued.	Sec.	Page.
charter convention—continued.		
members, how elected, term.....	4	102
petition of electors for.....	5	103
successive charter conventions called until a charter is approved by majority of those voting	4	102
charter provide for the initiation by and refer- ence to electors of ordinances.....	5	104
publish charter, charter amendment proposal for charter convention before election and after adoption.....	5	103
city council fix rate of taxation.....	4	102
may adopt automatic vote registers.....	5	104
clerk certify and publish charter.....	4	101
to secretary of state rejected charter, charter amendment or proposal for charter convention with vote.....	5	103
file two copies of adopted charter, charter amendment, proposal for charter conven- tion and rejected measure with secretary of state.....	5	104
contiguous town, city or territory hereafter an- nexed shall be detached per se from other county and become municipal part of.....	1	99
consolidation of city of Denver and a part of county of Arapahoe.....	1	97
constitute one judicial district.....	1	99
district attorney become ex-officio attorney of....	3	100
election of city and county of Denver to vote issue of bonds.....	1	99
to vote upon charter amendment.....	5	103
franchises granted when approved by electors, expense, how paid.....	4	102
hold all property held by city of Denver and county of Arapahoe.....	1	98
general annexation and consolidation statutes apply	1	99
governor issue proclamation of adoption of amendment	3	100
judgment by or against city of Denver enforce- able against.....	1	167

CITY AND COUNTY OF DENVER—Continued.	Sec.	Page.
may amend or adopt, new charter.....	5	103
construct, or obtain water works, light plants, power plants, transportation sys- tems, heating plants or other public utilities, works or ways.....	1	98
exercise right of eminent domain.....	1	99
issue bonds to carry out any purpose pro- vided by charter.....	1	99
purchase and sell personal and real property	1	98
receive, manage, dispose of bequests, gifts, and donations in fee simple or trust.....	1	98
sue and be sued.....	1	98
use common seal and alter at pleasure.....	1	98
officers; mayor, auditor, engineer, council, police magistrate, chief of police and boards of city of Denver become officers of.....	3	100
hold office until successors are qualified.....	3	100
receive stated salary.....	2	99
term, duties, qualifications fixed by charter.	2	99
ordinance for special election for charter con- vention members fix time and place of meet- ing, compensation of members, time of voting upon charter.....	4	102
ordinances of city of Denver shall be temporary ordinances of.....	4	101
people vested with exclusive power of making, altering, revising or amending their charter....	4	101
police and firemen of city of Denver continue in, until discharged under civil service regulations.	3	100
provisions of constitution not apply to constitu- tional amendment for.....	8	106
school districts consolidated.....	7	105
board of education, how constituted in.....	7	105
general school laws applicable to school district No. 1.....	7	105
signatures to petition for charters, charter amendments, charter conventions may be on different papers.....	5	104
succeed to all rights and liabilities of former city and county.....	1	98

INDEX.

457

CITY AND COUNTY OF DENVER--Continued.	Sec.	Page.
terms of office of officers of city of Denver and included municipalities cease with proclamation of governor.....	3	100
CITY ATTORNEY--		
in cities of second class, elected every two years, compensation, duties.....	1	384
CITY CLERK--		
attest signature of mayor to refunding bonds....	3	395
in cities of second class, elected every two years, compensation, duties.....	1	384
of city of Central attest, number and register bonds	5	91
CITY COUNCIL--		
See city and county of Denver; city of Denver; towns and cities.		
authorize to make appropriation toward expense of St. Louis World's Fair commission.....	7	390
CITY ENGINEER--		
in cities of second class, elected every two years, compensation, duties.....	1	384
CITY MARSHAL--		
in cities of second class, elected every two years, compensation, duties.....	1	384
CITY OF BLACK HAWK--		
See Black Hawk.		
CITY OF CENTRAL--		
bonds, ballots upon question of, deposited in separate box	9	92
corporate authorities issue coupon bonds in lieu of and equal to face of water bonds of 1891	1	90
prescribe form of bonds and coupons....	7	91
sell coupon bonds for cash at par value	1	90

CITY OF CENTRAL—Continued.

	Sec.	Page.
bonds—continued.		
denomination	4	91
face of bonds show date of issue, to whom issued and sum for which issued.....	5	91
interest on bonds, when and where payable..	4	91
limit of issue.....	4	91
none exchanged for less than par value.....	6	91
no officer receive compensation for sale or exchange	3	91
not authorized until submitted to vote of qualified tax payers.....	9	92
majority voting decides the issue of bonds	9	92
vote for or against may be taken at a general or special election.....	9	92
notice of ten days given for special election to decide issue of bonds.....	9	92
not increase debt by issuance of bonds.....	8	92
proceeds of sale of coupon bonds used only in redemption of outstanding water bonds.	2	90
provide for semi-annual interest on bonds, from regular or special levy of taxes or from sale of water.....	7	91
redeem by levy of special tax on real and personal property.....	7	92
signed by mayor, attested, numbered and registered by clerk, and sealed with seal of city	5	91
tax for redemption or interest of bonds, how levied, collected, paid, kept and used.....	7	92
when and where payable.....	4	91

CITY OF DENVER—

acquire and hold real and personal property for public uses.....	1	166
boundary of, corporate limits.....	1	162
city and county of Denver hold all property of..	1	98
city council becomes council of city and county of Denver, and performs duties of board of county commissioners.....	8	100

INDEX.

459

CITY OF DENVER—Continued.

	Sec.	Page.
city council—continued.		
create new wards, including annexed territory, call special election for choosing aldermen	1	165
fix rate of taxation on property annually....	4	102
make rules and regulations for use of real and personal property.....	1	166
submit question of charter convention to vote	5	103
consolidation with a part of county of Arapahoe..	1	97
contiguous towns or cities annexed become part of city of.....	1	164
for election purposes divided into wards and precincts, number.....	2	165
incorporated towns and cities included in boundaries excepted from corporate limits.....	1	164
judgment or decree enforceable by or against the city and county of Denver.....	1	167
law concerning transfer of property of, take effect upon adoption of constitutional amendment creating city and county of Denver.....	3	163
laws enacted concerning Denver or city of Denver applicable to city and county of Denver....	2	168
no pending action or proceeding abate because city merged into city and county of Denver.....	1	167
officers deliver records, books, papers and all other property to officers of city and county of Denver upon adoption of constitutional amendment	3	168
police and firemen continue in city and county of Denver under civil service regulations.....	3	100
receive gifts, bequests, and donations.....	1	166
secretary of state preserve record of charters, charter amendment of city of Denver and publish with constitutional amendment in session laws	3	163

CITY OFFICERS—

electors of cities of second class choose when....	1	384
--	---	-----

CITY PHYSICIAN—	Sec.	Page.
in cities of first class appointed by mayor with approval of council.....	2	332
member of health commission.....	3	332
 CITY RAILWAY COMPANY—		
may redeem from sale for taxes on franchise.....	237	351
property sold en masse for delinquent taxes.....	231	349
 CITY STREET SUPERVISOR—		
in cities of second class, elected every two years, compensation, duties.....	1	384
 CITY TREASURER—		
call in refunding bonds in order of issuance.....	4	396
certify payment.....	4	396
publish notice of call for.....	4	396
countersign refunding bonds.....	3	396
in cities of second class elected every two years, compensation, duties.....	1	384
of Black Hawk pay treasurer of Gilpin county all moneys belonging to the school district.....	2	76
 CIVIL CODE—		
of counties under which act state board of assessors is elected.....	88	284
 CIVIL PROCEEDINGS—		
pending in twelfth judicial district held as by prior law.....	2	150
 CIVIL SERVICE—		
charter of city and county of Denver provide, regulations for departments of fire, police public utilities and works.....	3	100
police and firemen of city of Denver continue in city and county of Denver under regulations of..	3	100

INDEX.

461

CLAIMS—

against irrigation district filed, allowed, verified.. 22 215

CLASSES—

of counties for fixing salaries of county officers.. 1 181

CLASSIFICATION—

applicable to proceedings for application for bond
issue 58 230

CLEAR CREEK COUNTY—

in eighth senatorial district..... 3 21
fourth class division "A" for regulating sal-
aries of officers..... 1 181
twenty-sixth senatorial district..... 3 22
number of representatives..... 5 23

CLERK—

See city and county of Denver; irrigation dis-
tricts; revenue.

CLERK OF COUNTY COURT—

collect fees in court proceedings..... 18 245
issue permit to camp in forest district..... 11 188
writ to truancy officer to bring child before
court 6 366

CLERK OF COURT OF APPEALS—

collect fees for state revenue..... 18 245

CLERK OF DISTRICT COURT—

cause copy of petition to disconnect land from
city to be served upon mayor thirty days prior
to hearing..... 3 386
collect fees in court proceedings..... 18 245
file certified copy of decree separating land from
city in office of recorder..... 5 337
of conviction, file transcript of record of execu-
tion with records of case..... 7 156

CLERK OF STATE BOARD OF EQUALIZATION—

act as clerk of state board of assessors.....	110	239
---	-----	-----

CLERK OF SUPREME COURT—

collect fees for state revenue.....	18	245
-------------------------------------	----	-----

CLERKS OF ELECTION—

county commissioners appoint two from each precinct of different political parties.....	1	171
--	---	-----

CLIFF DWELLERS—

memorial for survey and preservation of public lands containing ruins of.....	..	402
--	----	-----

CLOTHING—

for convicts employed on state canal No. 3 fur- nished by penitentiary and reformatory.....	8	371
of child committed to parental or truant school..	7	366

COAL—

mined by measure, how paid for.....	3	236
weight, weighed before screening.....	3	236

COAL LANDS—

owner may construct and operate connecting rail- way spur.....	1	237
exercise right of eminent domain for con- necting railway spur.....	1	238

COAL MINE—

each car or apparatus for removing coal from, bear distinct number.....	2	236
owners, keep necessary scales and measures.....	1	235
inspector test.....	1	235
state inspector of mines.....	1	236

CODE OF PROCEDURE—

See civil code; contempt.

INDEX.

463

CO-EMPLOYES—

Sec.

Page.

damages for acts of..... 1 161

COINAGE—

of gold and silver, resolution directing governor
to inquire into the powers and duties of con-
gress over..... .. 408

COLLECTION—

of delinquent taxes in new county disposed as if
originally assessed..... 139 310
taxes for irrigation districts, revenue laws
of state applicable to..... 20 214

COLORADO HUMANE SOCIETY—

See humane society.

COLORADO SPRINGS—

land deed by state to United States for public
building 1 398

COMMISSIONER—

appointed by governor to assist in determining
the southern boundary of the state, duties..... 1 78
powers 3 79
resurvey and re-establish southern boundary.... 2 79

COMMISSIONER-IN-CHIEF—

of St. Louis World's Fair managers, compensation 9 360

COMMISSIONERS' DISTRICTS—

See county commissioners.

COMPANY—

See corporation.

COMPENSATION—

	Sec.	Page.
See revenue.		
assessor receive fifty dollars and railway fare....	89	287
court officers not entitled to, for collecting fees...	18	245
for publishing tax list.....	163	319
right of way for transmission lines.....	1	131
waters of irrigation districts wrongly di- verted	28	217
no officer of city of Central shall receive, for sale or exchange of bonds.....	3	91
of board of control of state canal No. 3.....	10	371
commissioner-in-chief of board of St. Louis World's Fair managers.....	9	360
county judges.....	2	111
county officers, how regulated.....	1	181
county, precinct and other officers of South Arapahoe county.....	13	142
county treasurer for itemized report of er- roneous assessments.....	144	312
for record of tax sales.....	172	322
deputy in charge of convicts on state canal No. 3.....	9	371
deputy land appraisers.....	15	190
directors and officers of irrigation districts..	25	216
general superintendent of construction of state canal No. 3.....	11	371
members of board of St. Louis World's Fair managers	9	360
state board of assessors.....	88	284
officer collecting from sale of distrained goods	135	308
of city and county of Denver.....	2	99
secretary of state auditing board.....	4, 3	32, 42
superintendent of poor.....	5	146
superintendent of state canal No. 3.....	23	374
trustees of state normal school at Gunnison.	2	375
warden and sheriff for services in executing death penalty.....	10	157

CONDEMNATION—

of lands for public or private use.....	1	173
---	---	-----

INDEX.

465

CONDUCTOR—

Sec.

Page.

on railroad not work more than sixteen hours without rest.....	1	233
---	---	-----

CONEJOS COUNTY—

constitutes the twenty-fourth senatorial district..	3	22
in fourteenth senatorial district.....	3	21
fourth class, division "A," for regulating salaries of officers.....	1	181
number of representatives.....	5	23
terms of district court.....	1	150

CONSERVATOR—

made party to eminent domain proceedings, when	1	174
--	---	-----

CONSOLIDATION—

of city of Denver and a part of county of Arap- ahoe	1	97
school districts in Denver.....	7	105

CONSOLIDATION STATUTES—

apply to city and county of Denver.....	1	99
---	---	----

CONSTABLES—

of Arapahoe county within city of Denver become constables of city and county of Denver.....	3	100
see that persons selling liquors have secured a state license.....	20	246
time of election changed.....	3	114

CONSTITUTIONAL AMENDMENT—

ballot, form of on Australasian tax system.....	4	96
city and county of Denver.....	2	106
eight hour amendment.....	2	109
home rule for cities.....	2	106
qualifications of voters.....	2	107
relating to county judges.....	3	111
county officers.....	4	114
district attorneys.....	3	111

CONSTITUTIONAL AMENDMENT—Continued.	Sec.	Page.
canvass of vote on eight hour amendment.....	3	109
fixing qualifications of voters.....	3	108
relating to Australasian tax system.....	5	96
city and county of Denver.....	3	106
county judges.....	4	111
county officers.....	5	115
district attorneys.....	4	111
time of electing and term of office		
county commissioners.....	1	112
county officers.....	2	113
district attorney.....	1	110
justices and constables.....	3	114
cities of first and second class submit proposal		
for charter convention.....	6	104
consolidation of school districts in Denver.....	7	106
extending term of office of county commission-		
ers one year.....	7	113
county judge.....	2	111
district attorneys.....	1	110
fixing qualifications of voters, twelve months'		
residence	1	107
no part of full cash value of rights of way,		
franchises in public ways or land shall be ex-		
empted from taxation by.....	2	96
providing for an eight hour day.....	1	109
rate of taxation for state purposes not exceed		
four mills.....	3	96
rights of way, franchises in public ways or land		
may be taxed at additional rate of two mills		
after exempting personal property and improve-		
ments	3	96
to article 5, adding section 25 (a).....	1	108
article 6, section 21.....	1	110
article 6, section 22.....	2	111
article 7, section 1.....	1	107
article 10, section 9.....	1	96
article 10, section 11.....	3	96
article 14, section 6.....	1	112
article 14, section 8.....	2	113
article 14, section 11.....	3	114
article 20.....	1	97

INDEX.

467

CONSTITUTIONAL AMENDMENT—Continued. Sec. Page.

voters of county once in four years may exempt or refuse to exempt from taxation all personal property and improvements on land.....	2	95
--	---	----

CONSTITUTIONAL CONVENTION—

provide for election of United States senators by the voters, application to call.....	1	115
secretary of state transmit copies of act re- questing call for.....	3	116

CONTAGIOUS DISEASES—

appropriation for suppression of epidemic of.....	1	58
---	---	----

CONTEMPT—

appeal or writ of error in case of.....	3	94
court investigate charge, hear answer and ex- amine witnesses for person charged with.....	1	93
court, judge or jury determine question of guilt..	2	93
failure to give information to assessor punished as if committed in presence of court or judge.....	64	269
judgment and order of trial court stayed until final disposition of proceedings for, upon fil- ing of bond.....	3	94
judgment and orders of court upon verdict of jury may be reviewed.....	3	94
of court or judge in case contempt commit- ted in presence is final and conclusive.....	3	94
penalty for.....	2	94
person charged with, may demand jury.....	1	93
provisions of act not apply to pending cases.....	5	94

CONTIGUOUS TERRITORY—

annexed to irrigation district, petition.....	30	218
---	----	-----

CONTIGUOUS TRACTS—

owner on border of city may petition county court to disconnect from city.....	1	886
---	---	-----

CONTINGENT FUND—

	Sec.	Page.
auditor's biennial report contain itemized state- ment of expenditures.....	5, 5	33, 43
under control of auditing board.....	4, 3	32, 42
unexpended balance transferred to general fund..	6, 7	33, 44
warrants drawn upon, for supplies and printing of state departments.....	5, 4	33, 43

CONTRACT—

becomes valid without signature of mayor.....	5	383
county commissioners publish proceedings relat- ing to letting of.....	1	147
evading semi-monthly pay day invalid.....	5	129
for construction of works for irrigation districts..	21	214
conveyance of real estate assessed with lands as a unit.....	14	244
material for works of irrigation districts awarded to lowest bidder.....	21	214
right of way and sites for building for transmission lines.....	2	132
work on state canal No. 3.....	14	372
involving money passed by council of city of first class, mayor sign.....	5	383
passed by a three-fourths vote of council over mayor's objections.....	5	383

CONTRACTOR—

employed by corporation observe semi-monthly pay day.....	6	130
--	---	-----

CONVEYANCE—

board of directors of irrigation districts take.....	12	208
of farm produce into state to reship.....	1	19

CONVICTS—

for state canal No. 3, board of control contract with railroad for transportation.....	7	371
clothing supplied from maintenance fund of penitentiary and reformatory.....	8	371
exchanged from work on state canal No. 3 five days before expiration of term.....	6	371

INDEX.

469

CONVICTS—Continued.

	Sec.	Page.
for state canal No. 3—continued.		
from penitentiary and reformatory, when able bodied.....	5	370
full quota kept laboring on state canal No. 3 by exchanging as terms expire.....	6	371
returned to penitentiary or reformatory at completion of canal.....	15	372
suffering death penalty, disposition of body.....	11	157
kept in solitary confinement until infliction of penalty, visitors.....	5	155
warden of penitentiary appoint deputy to take charge of, employed on state canal No. 3.....	9	371

COPARTNERSHIP—

See revenue.		
deemed to reside where business is carried on..	48	259
treated as individuals for purposes of assessment	48	259

CORONER—

of Arapahoe county become, of city and county of Denver.....	3	100
--	---	-----

CORPORATE LIMITS—

of Denver.....	1	162
----------------	---	-----

CORPORATION—

See foreign railroad company; revenue.		
assessor certify to treasurer information concerning intangible property when in two or more counties	67	271
annual license tax.....	70A	273
appear before state board of assessors and give information	110	299
auditor publish list of, forfeiting charter.....	70E	274
capital stock not taxed except bank stock.....	140	310
certificates of stock or impression of seal or annual report not filed unless articles of incorporation are on file and fees paid.....	8	120
construct, maintain and operate transmission lines	1	131

CORPORATION—Continued.

	Sec.	Page.
contracts evading semi-monthly pay day null and void	5	129
delinquent taxes when assessed by state board collected where property is situated.....	228	348
deliver to assessor full schedule of its property..	70	272
describe franchises, privileges and intangible rights in schedule sufficiently for identification.	227	347
directors liable for fees.....	3	118
discharge employe, wages due immediately, penalty for failure to pay.....	3	129
doing business in two or more counties.....	63	268
employe may sue to recover wages or penalty or both.....	5	129
employe or assignee recover penalties accrued from unpaid wages within six months.....	4	129
except railroads fix semi-monthly pay day.....	1	128
failing or refusing to make return subject to fine	70	273
failing to pay license tax forfeits right to do business	70C	274
semi-monthly, penalty.....	2	130
forfeit rights and privileges for willful violation.....	8	130
fail to return or make false return, board assess and add thirty per cent. to value determined....	106	297
fee for filing articles of incorporation.....	1	116
for license in addition to taxes provided by law.....	12	126
file annual report.....	11	121
complaint of erroneous assessments with governor	88B	285
for collecting and distributing waters, collection of delinquent taxes.....	229	348
intangible property, where taxed.....	65	269
judgment in suit for wages includes attorney's fees as costs.....	7	130
liable for damages from negligence of co-employes	1	161
to employes of contractor performing its work	6	130
making transfer of stocks or loans liable to pay inheritance tax.....	31	252

INDEX.

471

CORPORATION—Continued.	Sec.	Page.
not do business nor hold property until fees and taxes are paid.....	10	121
ship farm produce from other states.....	1	19
transact business until fee for filing articles of incorporation is paid.....	1	117
officers and directors liable for debts and unpaid fees.....	11	125
give assessor required information of properties outside of state.....	68	271
give county treasurer verified certificate concerning its shares of stock.....	140	310
operating ditches, canals or reservoirs not required to recognize semi-monthly pay day.....	1	129
for sale of water make schedule of property	233	350
other than railroad, express, fast freight, palace and sleeping car file with clerk of state board of assessors verified statement of properties and business.....	104	296
street railroad place additional matters in schedule for taxation.....	235	350
protect employes from weather.....	1	379
telegraph or telephone line, furnish sworn statement to state board of assessors....	99	293
make return.....	101	294
return moneys on hand, shares of capital stock with market or actual value and amount of bonded or other indebtedness	99	294
organize with special reference to semi-monthly pay day.....	8	190
owning mines bearing valuable metals taxed in same manner as individuals.....	82	279
pay annual charges fixed by commissioners for transmission lines.....	1	131
president or accounting officer certify returns....	70	273
provide that employes of its contractor be paid semi-monthly	6	130
ratable proportion of intangible property deducted to determine share taxable in this state.....	66	270
real and personal property taxed where situated.	65	269

CORPORATION—Continued.

	Sec.	Page.
refusing to give treasurer verified certificate concerning its stock subject to fine.....	141	311
relieved from forfeiture of charter or right to do business	70E	274
return aggregate number of miles made by furniture and stock cars.....	104	296
certified copy from other assessors where business is carried on to assist in assessment of intangible property.....	67	270
cost of operation, maintenance and improvements of telephone or telegraph.....	99	293
gross and net earnings of telegraph or telephone	99	293
mileage of telegraph and telephone wire.....	99	293
number of miles made by its stock, furniture, refrigerator, fruit, poultry, tank or other cars.....	104	296
telephone or telegraph instruments.....	99	293
sale of undivided interest of property of, for delinquent taxes.....	231	349
secretary of state board of equalization serve notice of complaints and hearings.....	88B	285
selling liquors pay additional license fee.....	20	246
without license guilty of misdemeanor.....	21	246
send each county abstract showing by counties its assessment of real and personal estate for preceding year.....	65	269
set forth in statement property owned and controlled	109	298
state board assess property to corporation owning or controlling.....	109	298
superintendent, manager, agent or boss not act as judge or clerk of election.....	1	171
tax upon intangible property a lien upon tangible property	69	271
value of property for taxation.....	63	268

INDEX.

473

CORPORATIONS NOT FOR PROFIT—

	Sec.	Page.
not liable to license tax.....	70E	247
pay no fees for filing amendment to articles.....	2	118
for certificate of authority.....	10	121
report filed annually, fee.....	11	124

COSTILLA COUNTY—

in fourth class division "B" for regulating salaries of officers.....	1	181
fourteenth senatorial district.....	3	21
number of representatives.....	5	23
terms of district court.....	1	150

COSTS—

See irrigation districts; revenue; state canal No. 3; towns and cities.		
of contesting claim against foreign insurance company taxed against company when.....	1	127
furnishing records for Adams county.....	10	136
transcribing records of Arapahoe and South Arapahoe counties.....	12	142

COUNTIES—

divided into five classes for compensation of county officers.....	1	181
of fifth class elect two assessors upon state board	88	284
of first class elect elect one assessor on state board	88	284
of fourth class elect five assessors on state board	88	284
of second class elect two assessors on state board	88	284
of third class elect three assessors on state board	88	284

COUNTY—

assess proportionate share of property of each fast freight company and of firm or individual operating special cars.....	111	300
railway, telegraph and telephone company..	111	299
assuming payment of liabilities designate and describe, state character, amount and form.....	2	149

COUNTY—Continued.

	Sec.	Page.
auditor give credit for taxes cancelled.....	206	340
commissioners choose chairman, compensation....	5	146
number when population is less than 100,000..	3	146
is more than 100,000.....	2	145
divided into commissioners' districts.....	1	144
fund or refund liabilities imposed by formation...	1	143
have recourse to official bond of treasurer in case of default.....	155	315
land sold to, may within six years be claimed by any one paying amount due with interest.....	166	320
making erroneous sale of lands liable to owner for expenses or damage.....	86	281
payment of tax to cover default does not release delinquent treasurer.....	155	315
responsible for tax levied for state purposes ex- cept that certified unavailable.....	204	339
return principal and interest when land wrong- fully sold.....	201	339
taxes on land purchased by, not payable until sale or redemption.....	166	320

COUNTY ASSESSOR—

See assessor.

COUNTY ATTORNEY—

time of election changed and term of office ex- tended	2	113
---	---	-----

COUNTY BOARD OF EQUALIZATION—

abate excess valuation, when.....	92	239
adjust and equalize valuation.....	92	239
county clerk mail notices of changes in assess- ment	215	343
publish or post notice of time and place of first meeting of.....	216	343
county commissioners constitute.....	215	342
hear complaints and adjust assessment.....	215	342

INDEX.

475

COUNTY BOARD OF EQUALIZATION—Continued.	Sec.	Page.
increase or decrease total valuation.....	92	289
meetings of.....	215	342
extend time of meeting.....	215	343
notify assessor of omissions.....	215	343

COUNTY BOUNDARIES—

Adams county.....	1	133
South Arapahoe county.....	1	133

COUNTY CLERK—

See Irrigation districts; revenue.		
falling to publish proceedings of board of county commissioners, penalty.....	4	147
furnish copy of proceedings of commissioners for publication, time.....	3	147
of Arapahoe county afford opportunity for transcribing records.....	12	142
of Arapahoe county become clerk of city and county of Denver.....	3	100
print election ballot with black corner.....	3	171
time of election changed and term of office extended	2	113

COUNTY COMMISSIONERS—

See Irrigation districts; revenue; towns and cities.		
award contract for making transcripts of record of property in county of South Arapahoe, bond.	12	142
choose chairman.....	5	146
commissioners' districts, county divided into, number	1	144
division made when.....	1	145
numbered consecutively, not altered oftener than once in two years.....	1	144
redistricting of county not remove incumbent commissioner.....	1	145
constitutional amendment changing time of election	1	112
county clerk furnish copy of proceedings, for publication	3	147

COUNTY COMMISSIONERS—Continued.	Sec.	Page.
divide county into commissioners' districts, number	1	144
election of, arrangement of terms when board is enlarged	2	145
in counties where number is reduced.....	3	145
one from each district by whole county.....	1	145
failure to publish proceedings of board, penalty..	4	147
fix charges for corporations to construct, maintain and operate transmission lines on highways	1	131
having less than 100,000 population reduce number of county commissioners.....	3	146
issue license to sell malt, vinous or spirituous liquors	1	159
not transfer or renew until state license is produced	20	246
make appropriation toward expense of St. Louis World's Fair commission.....	7	360
provide for representation of county.....	6	389
recommend person to collect and prepare exhibition for shipment.....	6	359
not reappoint assessor when removed.....	91	289
of Adams county fix portions of county to be annexed to adjoining counties.....	14	137
of Arapahoe and Adams counties adjust and apportion matters of moneys and revenue, notice of meeting.....	9	135
determine amount Arapahoe county shall pay for retention of county records and real and personal property.....	6	135
of Arapahoe and South Arapahoe counties meet to adjust and apportion revenues, moneys and indebtedness, time, place, notice of meeting, quorum	11	141
person or county aggrieved may appeal....	11	141
provide care for feeble-minded persons, appropriate money to pay for same.....	2	178
publish proceedings relating to allowance of bills, letting of contracts, rebate of assessments or taxes	1	147
in official paper.....	2	147
redistricting of county not remove incumbent....	1	145

INDEX.

477

COUNTY COMMISSIONERS—Continued.	Sec.	Page.
term of office extended one year.....	1	113
increased to four years.....	1	112
vacancy in office, how created and filled.....	1	145

COUNTY COURT—

See county judge; courts; parental and truant school; revenue.		
investigate contempt charge.....	1	93
six terms held annually in Adams county.....	4	134
three terms held annually in South Arapahoe county	6	140

COUNTY GOVERNMENT—

See counties; county commissioners.		
county assume payment of liabilities, designate and describe, state character, amount and form.	2	149
former proceedings to fund or refund liabilities ratified and confirmed.....	3	149
laws of 1899 applicable to enable county to fund or refund indebtedness.....	1	148
new county may fund or refund liabilities imposed	1	148

COUNTY JUDGE—

See county court.		
approve official bond of members of board of directors of irrigation districts.....	4	202
collect fees in court proceedings.....	18	245
in office in 1904 term of extended one year.....	2	111
of Arapahoe county serve full term.....	3	100
order care of feeble-minded persons.....	1	177
set time for hearing petition to disconnect land from city.....	3	386
term of office extended to four years, compensation	2	111

COUNTY OFFICERS—

canvass of votes on constitutional amendment relating to.....	5	115
form of ballot.....	4	114
time of electing, salaries.....	2	113

COUNTY ORDER—	Sec.	Page.
treasurer not accept for less than amount due..	5	241
COUNTY RECORDS—		
Arapahoe county pay Adams county sum determined for.....	6	125
COUNTY SCHOOL FUND—		
proceeds of sale of mavericks placed to credit of.	1	377
COUNTY SEAT—		
of Adams county established at Brighton.....	2	124
South Arapahoe county established at Littleton	2	129
COUNTY SUPERINTENDENT OF SCHOOLS—		
collect fee and forward to superintendent of public instruction.....	1	363
time of election changed and term of office extended	2	113
COUNTY SURVEYOR—		
time of election changed and term of office extended	2	113
COUNTY TREASURER—		
See irrigation districts; revenue.		
administer oath.....	9	242
commissioners fill vacancy in office of.....	148	313
make list of taxpayers for election to refund indebtedness	1	394
not loan public funds for private gain.....	5	242
of Arapahoe county pay school funds to Adams county	7	135
to South Arapahoe county.....	9	140
of Gilpin county receive from city treasurer moneys belonging to the Black Hawk school district	2	76
place receipts from sale of unidentified mavericks to credit of school fund.....	1	377

INDEX.

479

COUNTY TREASURER—Continued.	Sec.	Page.
refund money received for identified maverick....	1	377
removed from office, not again eligible.....	148	313
time of election changed and term of office extended	2	113
COUPON BONDS—		
corporate authorities of city of Central issue.....	1	90
form of.....	7	91
signed by mayor, attested, numbered and registered by clerk, and sealed by city seal	5	91
sold for cash at par value.....	1	90
proceeds of sale of, used in redemption of water bonds outstanding.....	2	90
COUPONS—		
for interest of bonds of irrigation districts.....	13	210
of refunding bonds, form of.....	3	395
signed by city or town treasurer.....	3	395
COURT OFFICERS—		
See revenue.		
wilfully failing to collect fees, guilty of a misdemeanor	19	245
COURTS—		
See county courts; district courts.		
pending actions in courts of twelfth judicial district held as by prior law.....	2	150
CREDITS—		
See revenue.		
CRIMINAL—		
not committed to parental or truant school.....	5	386
CRIMINAL CODE—		
See death penalty.		
bicycle stealing or receiving stolen, is larceny....	1	160
under twenty dollars is grand larceny.....	1	160

CRIMINAL CODE—Continued.

	Sec.	Page.
clerk of court of conviction record transcript of record of execution in records of case.....	7	156
convict kept in solitary confinement until infliction of death penalty, visitors.....	5	155
court give sentence for murder according to verdict of jury.....	2	154
deputies of sheriff and warden serve in execution of death penalty.....	7	156
disposition of body of convict suffering death penalty	11	157
exemptions from death penalty.....	2	154
jury in verdict designate degree of murder, fix penalty	2	154
malice implied, when.....	2	153
malt, vinous or spirituous liquors, unlawful to sell without license from county commissioners. outside of incorporated towns and cities with- out license, misdemeanor, penalty.....	1	159
violations prior to act prosecuted as before..	3	160
misdemeanor for violating secrecy of details of execution of death penalty, penalty.....	9	157
murder in first degree defined.....	2	153
in second degree defined.....	2	154
penalty	2	154
pending trials for murder or murder committed not affected by capital punishment act.....	12	158
punishment of death, manner of inflicting.....	3	154
sheriff deliver convicted person and warrant of conviction to warden of state penitentiary.....	5	155
witness execution, file certified copy of record of execution with clerk of court of conviction	7	156
warden of state penitentiary fix day and hour of execution, invite witnesses, appoint deputies, keep time secret.....	6	155
writs of error may be taken to supreme court in capital cases.....	3	154

CRIMINAL PROCEEDINGS—

pending in twelfth judicial district held as by prior law.....	2	150
---	---	-----

INDEX.

481

CROSSINGS—	Sec.	Page.
for canals, board of directors of irrigation districts construct.....	24	216
CUSTER COUNTY—		
in fifth class for regulating salaries of officers....	1	181
twenty-seventh senatorial district.....	3	22
number of representatives.....	5	23
CUSTODIAN—		
of normal institute fund receive sum accredited to his district.....	3	364

D

DAMAGES—		
for acts of co-employees.....	1	161
recovered for violations of forestry law.....	16	190
to forest trees by railroad company.....	14	189
DAMS—		
board of directors of irrigation districts construct	10	207
DAY—		
of execution of death penalty fixed by warden...	6	155
DEAF—		
See school for deaf and blind.		
DEATH PENALTY—		
See criminal code.		
commissioners of state penitentiary provide place and appliances for executing.....	4	154
compensation of warden and sheriff for services in executing.....	10	157
conviction upon circumstantial evidence exempts from	2	154
details of execution not published.....	6	156
governor or court may prolong time between sentence and infliction of.....	3	154

DEATH PENALTY—Continued.		Sec.	Page.
judge designate week of execution.....	5	155	
manner of inflicting.....	3	154	
warden of state penitentiary inflict.....	4	155	
keep record of executions, items of record..	8	154	
DEBTS—			
person making schedule of taxation may deduct..	55	264	
DECISION—			
See revenue.			
of state board of assessors final when state board of equalization refuses to alter.....	88B	286	
state board of equalization final and conclu- sive upon all parties.....	88B	286	
state central committee of political party final on party controversies.....	1	169	
DECORATIONS—			
flag of United States or state may be used for....	1	182	
DECREE—			
record is proof of disconnection of land from city	5	387	
DEDICATION—			
of right of way over state lands.....	24	216	
DEED—			
See tax deed.			
for land for public building in Colorado Springs given to United States.....	1	396	
DEFAULT—			
of county treasurers, county commissioners make up	155	315	
DEFECT—			
carried into delinquent list or publication treas- urer amend and republish.....	175	323	
in form in assessment list or tax roll connected by assessor or treasurer.....	175	323	

INDEX.**483****DEFENDANTS—**

	Sec.	Page.
in eminent domain proceedings, whose names are unknown	1	174

DEFICIT—

appropriation to pay for school for deaf and blind	1	61
---	---	----

DEGREE—

jury in verdict for murder designate.....	2	154
when prisoner pleads guilty of murder, jury des- ignate	2	154

DELINQUENT LIST—

See revenue.

DELINQUENT TAXES—

See revenue.

DELTA COUNTY—

in fifth class for regulating salaries of officers...	1	181
in sixteenth senatorial district.....	3	21
lands to be redeemed by state canal No. 3.....	2	369
number of representatives.....	5	23

DEMAND—

not affected by new revenue law.....	239	356
--------------------------------------	-----	-----

DENOMINATION—

of bonds of irrigation districts.....	13	210
---------------------------------------	----	-----

DENVER—

See city of Denver.

DEPOTS—

railroad return number and value of.....	97	292
--	----	-----

DEPUTY—	Sec.	Page.
assessor, treasurer, or county clerk may administer oath.....	9	242
sheriff serve in execution of death penalty in case of disability.....	7	156
state fish commissioner adopt plans and superintend construction of branch fish hatchery.....	5	185
warden of state penitentiary appoint to assist in execution of death penalty.....	6	155
take charge of convicts employed upon state canal No. 3, compensation of.....	9	371
DEPUTY APPRAISERS—		
state board of land commissioners employ, compensation, duties.....	15	189
DESCRIPTION—		
See revenue.		
DESECRATION—		
of flag of United States or of Colorado.....	1	182
DEVISEE—		
file verified return with county judge.....	24	249
liable for inheritance tax until paid.....	23	247
DICKERSON, CHARLES L.—		
appropriation for services as member of Colorado Paris Exposition commission.....	1	71
DIRECTORS—		
See corporation; irrigation districts; joint stock company.		
DISABILITY—		
owner, minor, insane, or idiot bring suit for recovery of land sold for taxes one year after removal of	187	332

INDEX.

485

DISCHARGE—	Sec.	Page.
conduct of child on parole from parental or truant school satisfactory for one year gives final.....	9	367
DISCONNECTION—		
See towns and cities.		
of territory from cities and towns.....	1	386
DISSOLUTION—		
of irrigation districts, petition for, election, form of ballot.....	53	227
DISTRAINED GOODS—		
See revenue.		
DISTRRAINT—		
See revenue.		
and sale of property for taxes.....	130	306
DISTRRAINT WARRANT—		
See revenue.		
DISTRIBUTION—		
of reports of state bureau of child and animal protection	6	192
DISTRICT ATTORNEY—		
of Arapahoe county ex-officio attorney of city and county of Denver.....	3	100
serve full term.....	3	100
constitutional amendment changing time of elec- tion	1	110
file information charging county treasurer with withholding money due state.....	148	313
prosecute action against treasurer for loaning public funds.....	6	242
all persons, companies or corporations sell- ing liquors without a state license.....	21	247
to collect unpaid inheritance tax.....	37	254
violations of forestry law.....	17	190
qualifications of.....	1	110
term of office extended one year.....	1	110

DISTRICT BOND FUND TAXES—

Sec. Page.

See irrigation districts.

DISTRICT COURT—

See courts.

appoint receiver to operate property of corporation to collect delinquent taxes.....	238	351
file certified copy of judgment rendered against county treasurer with commissioners.....	148	313
fix time for hearing petition to examine bond issue for irrigation district.....	57	229
give sentence for murder according to verdict of jury	2	154
investigate contempt charge.....	1	93
issue bench warrant for treasurer withholding money due state.....	148	313
not give relief unless assessment is fraudulent or oppressive	94	290
power to punish failure to give information to assessor	64	269
prolong time between sentence and death penalty.	3	154
terms of in Adams county.....	4	134
Archuleta county not affected by change of terms	2	152
sixth judicial district.....	1	151
South Arapahoe county.....	4	139
twelfth judicial district.....	1	150
when considering grievance consider value of similar property.....	95	290

DISTRICT JUDGES—

of Arapahoe county hold for full term..... 3 100

DISTRICT NO. 1—

See school district.

DISTRICTS—

See irrigation districts.

senatorial	3	21
representative	3	21

INDEX.

487

DISTRICT STORM SEWER—

Sec. Page.

See storm sewer.

DISTRICT TREASURER—

endorse on warrant date of presentation.....	22	215
pay out moneys from general and bond funds, report monthly amount of moneys on hand....	19	213
pay warrants when cash on hand; endorse "no funds"	22	215

DITCH—

See irrigation districts.

board of control of state canal No. 3 right to acquire right of way for.....	3	370
headgate measuring flume or weir maintained by owner, failure.....	1	193
not taxed when used exclusively by owners.....	17	245
private property may be condemned for.....	1	175
proceedings to condemn land for.....	1	174

DITCH COMPANY—

See revenue.

file annual report, contents, fee.....	11	121, 124
make schedule of property for taxation.....	233	350
property of sold en masse for delinquent taxes..	231	349
receiver appointed to collect delinquent taxes when	238	351

DIVERSION—

appropriated water for irrigation districts.....	28	217
--	----	-----

DIVISION—

into commissioners' districts, made when.....	1	145
---	---	-----

DOLORES COUNTY—

in fifth class for regulating salaries of officers....	1	182
seventeenth senatorial district.....	3	22
number of representatives.....	5	23
terms of district court.....	1	152

DOMESTIC CORPORATIONS—

Sec.

Page.

See corporations.

DONATIONS—

city and county of Denver may receive, manage and dispose of.....	1	98
city of Denver may receive and manage.....	1	166
of forty acres of land for state normal school....	1	375

DOUGLAS COUNTY—

in fourth class division "B" for regulating salaries of officers.....	1	181
twenty-eighth senatorial district.....	3	22
number of representatives.....	5	23

DRAINAGE CONNECTIONS—

combined sewers with, may be constructed with costs assessed in proportion to benefits.....	7	391
---	---	-----

DRAINAGE TUNNELS—

See revenue.

DRAINS—

private property may be condemned for.....	1	175
--	---	-----

DUMB ANIMALS—

bureau for protection of established.....	1	24
---	---	----

DUTIES—

of board of control of state canal No. 3.....	1	369
board of directors of irrigation districts.....	9	205
deputy land appraisers.....	15	190
health commission in cities of first class....	3	382
inspector of weights and measures.....	1	235
officers of city and county of Denver.....	2	99
president of council in cities of first class....	4	382
state bureau of child and animal protection.	3	191
trustees of state normal school at Gunnison.	2	375

E

EAGLE COUNTY—	Sec.	Page.
in fourth class division "B" for regulating salaries of officers.....	1	181
thirteenth senatorial district.....	3	21
twenty-first senatorial district.....	3	22
number of representatives.....	5	23
 EARNINGS—		
of state penitentiary included in appropriation....	1	56
reformatory applied toward support and maintenance	1	68
 EATING HOUSES—		
railroad return number and value of.....	97	292
 EDUCATIONAL SOCIETIES—		
file annual report, fee.....	11	125
pay no fee for certificate of authority.....	10	121
filing amendment to articles.....	2	118
 EDWARDS, W. C.—		
appropriation for service as member of Colorado Paris Exposition commission.....	1	71
 EIGHT HOUR DAY—		
constitutional amendment providing for.....	1	109
 ELBERT COUNTY—		
in fifth class for regulating salaries of officers....	1	182
twenty-second senatorial district.....	3	22
number of representatives.....	5	23
 ELECTION CONTESTS—		
appropriation for, from Pueblo county.....	1	25
 ELECTION JUDGES—		
See elections.		

ELECTION PRECINCTS—

Sec.

Page.

See irrigation districts.

ELECTIONS—

See city and county of Denver; irrigation districts; refunding bonds.

ballots, form of.....	1	170
how marked and counted.....	3	172
preparation by judges and clerks.....	1	170
violation of act concerning misdemeanor....	2	170
chairman and secretary of convention of political party file with secretary of state roll of membership of state central committee.....	2	169
county clerk failing to print ballot with black corner guilty of misdemeanor.....	3	171
judges and clerks, appointment.....	1	171
qualifications	1	171
vacancies in office, how filled.....	1	171
justices of the peace have jurisdiction of election cases.....	4	173
of county commissioners and arrangement of terms when board is enlarged.....	2	145
when board is reduced.....	3	145
of county officers, time of changed.....	2	113
of justices and constables, time of changed.....	3	114
of president of council in cities of first class.....	4	382
of United States senators by popular vote, request for constitutional amendment to provide for...	1	115
petition for exemption from taxation.....	2	95
state central committee of political party control party controversies, make rules.....	1	169
to vote upon bonds for city of Central, notice.....	9	32
watchers act as challengers.....	2	172
interference with while performing duty, misdemeanor, penalty.....	4	173
select three voters to be present at counting of votes.....	2	172
two leading political parties entitled to one each	2	172

INDEX.

491

ELECTORS—

	Sec.	Page.
of cities of second class choose officers when.... ..	1	384
who may vote at organization of irrigation dis- tricts	2	201

ELECTRICITY—

cars operated by, provided with vestibules.....	1	379
lines formed for transmitting as power.....	1	131

ELECTRIC RAILWAY COMPANY—

See revenue.		
receiver appointed to collect delinquent taxes when	238	351

ELEEMOSYNARY INSTITUTIONS—

See state board of charities and corrections.		
conduct and management of.....	1	87
defined	6	89
failing to file annual report state board of chari- ties and corrections revoke license.....	5	88
investigations into condition and management....	2	88
notified of complaint and given time for hearing..	3	88
obtain license from state board of charities and corrections annually.....	5	88

EL PASO COUNTY—

in second class for regulating salaries of officers..	1	181
in third senatorial district.....	3	21
in twenty-eighth senatorial district.....	3	22
number of representatives.....	5	23

EMBEZZLEMENT—

county treasurer withholding money due state tried as for.....	148	313
---	-----	-----

EMINENT DOMAIN—

See irrigation districts.		
city and county of Denver may exercise right of..	1	98
foreign railroad company may exercise right of, for right of way.....	1	126

EMINENT DOMAIN—Continued.

	Sec.	Page.
governor sign petition where property is taken for state.....	1	175
owner of coal or mineral lands may exercise right for connecting railway spur.....	1	238
parties to proceedings to exercise right of.....	1	173
prior rights, remedies, suits, actions or proceedings not affected by amendment to law of.....	1	175
private property taken for private use or private ways of necessity.....	1	175
proceedings for exercising right for railroad, public road, toll road, ditch, bridge, ferry, telegraph, flume or other public or private work or improvement	1	173
transmission lines exercise right of.....	2	132
unknown defendants in proceedings to condemn land	1	174

EMPLOYER—

liable for damages of fellow servants.....	1	161
--	---	-----

EMPLOYEES—

discharged, wages due immediately.....	3	129
of corporation absent on pay day, claim wages at any time	1	125
may sue to recover wages or penalty or both	5	129
not act as election judge or clerk.....	1	171
fire department in cities of first class appointed and removed by mayor with approval of council.....	1	381
street railroad companies protected from weather	1	379

ENCUMBRANCERS—

of corporation made party to suit for receiver to collect taxes, when.....	238	352
--	-----	-----

ENDORSEMENT—

of teacher's certificate applicant pay fee for.....	1	363
---	---	-----

INDEX.

493

ENGINE—	Sec.	Page.
for state industrial school for girls.....	3	50
ENGINEER—		
of city of Denver becomes engineer and ex-officio surveyor of city and county of Denver.....	3	100
on railroad not work more than sixteen hours without rest.....	1	233
ENGLISH LANGUAGE—		
public schools taught in.....	1	362
ENTRIES—		
commissioners and auditor make proper, relieving old and charging new treasurer with delinquent taxes.	139	310
in county treasurer's books prima facie evidence..	8	242
EQUIPMENT—		
appropriation for barn and stock yards at state agricultural college.....	1	65
ERROR—		
See revenue.		
EVIDENCE—		
See irrigation districts; revenue.		
of increase of capital stock of foreign corporation, joint stock company or association.....	5	119
person using water from headgate or water box prima facie guilty.....	1	197
report of commissioner appointed to assist in determining southern boundary of the state received as.....	4	80
EXAMINATION—		
for teacher's certificate applicant pay fee for.....	1	363
EXCESS—		
See revenue; towns and cities.		

EXCHANGE—

	Sec.	Page.
of bonds of city of Central not made at less than par value.....	6	91

EXECUTION—

See judgments and executions; revenue.

EXECUTIVE DEPARTMENT—

auditor draw warrants on bounty fund.....	1	177
transfer stock brand fund to bounty fund...	1	176
state warrants and certificates of indebtedness bear four per cent. interest.....	1	176
capitol building fund draw five per cent in- terest	1	176

EXECUTOR—

See revenue.

sign or object to petition to change boundaries of irrigation districts.....	40	222
---	----	-----

EXEMPTIONS—

See death penalty; irrigation districts; revenue.

corporations not for profit or for religious, ed-
ucational or benevolent purposes not pay fee for

filing articles of incorporation.....	1	117
certificate of authority.....	10	121
operating ditches, canals and reservoirs not recognize semi-monthly pay day.....	1	129
rights of way and franchises in public ways or lands not subject to.....	2	95
voters of county may exempt or refuse to exempt personal property and improvements on land once in four years.....	2	95

EXPENSE—

of arbitration between Adams and Arapahoe counties	9	136
Arapahoe and South Arapahoe counties assessing or collecting taxes not paid by state	11	142
	4	241

INDEX.

495

EXPENSE—Continued.

Sec.

Page.

charter convention of city and county of Denver, how paid.....	4	102
forming irrigation districts, proportion paid by owners of contiguous territory.....	33	219
submitting question of grant of franchise to electors, how paid.....	4	102
transcribing records for Adams county de- termined by arbitration.....	10	136

EXPOSITION FUND—

purposes of.....	11	361
unexpended by board of St. Louis World's Fair managers turned into state treasury for.....	11	361

EXPRESS COMPANY—

See revenue.

F

FAITH AND CREDIT—

of state pledged for principal and interest of in- debtedness for capitol building.....	2	82
--	---	----

FARM PRODUCE—

unlawful to ship from other state and reship without state to mislead purchaser.....	1	19
---	---	----

FAST FREIGHT COMPANY—

See revenue.

FEEBLE-MINDED—

county commissioners provide care for, pay for same	2	178
county judge authorize.....	1	177
proceedings to take into custody and commit	1	177

FEEDERS—

board of control of state canal No. 3 right to ac- quire location.....	3	370
---	---	-----

FEES—	Sec.	Page.
county treasurer of Gilpin county not entitled on moneys received for Black Hawk school dis- trict	2	76
eleemosynary institutions obtain license without examination for or issue, endorsement or renewal of teacher's certificate.....	5	88
for filing annual report of corporation not for profit	1	363
articles of incorporation of corporation, joint stock company or association.....	11	125
amendments	1	116
certificate, designating agent or principal place of business of foreign corporation.....	2	117
of full payment of fees and taxes of corporation, joint stock company or association	7	120
of impression of corporate seal.....	10	121
of increase of capital stock.....	9	120
of paid-up stock.....	3	118
change of name of domestic corporation, joint stock company or association.....	9	120
copies of general laws of foreign state or country by foreign corporations, joint stock company or association.....	2	117
declaration of intention to build road by foreign railroad company.....	6	120
increase of capital stock of foreign corpora- tion, joint stock companies or associations.	2	126
permit to camp in forest district.....	5	119
publication of legal advertisement.....	11	188
of auditor for registering refunding bonds.....	1	179
of corporations, joint stock companies and asso- ciations are in addition to taxes provided by law	5	397
remitted to superintendent of public instruction turned over to state treasurer for state normal institute fund.....	12	125
	2	363

INDEX.

497

FEEES AND SALARIES—

Sec.

Page.

classification of counties for compensation of county officers.....	1	181
contracts for rates of publishing legal notices....	1	180
legal advertisement defined.....	1	180

FELLOW SERVANTS—

employer liable for damages resulting from negligence	1	161
--	---	-----

FELONY—

board of directors of irrigation districts for re- ceiving bribes guilty of.....	25	217
---	----	-----

FENCES—

appropriation for building and repairing at state industrial school.....	1	48
included in term credit for taxation.....	13	243

FERRY—

proceedings to condemn land for.....	1	174
--------------------------------------	---	-----

FINE—

See revenue.

FIRE DEPARTMENT—

See city and county of Denver; towns and cities.

FIREMAN—

on railroad not work more than sixteen hours without rest.....	1	233
---	---	-----

FIRES—

not allowed unguarded in forest area.....	10	188
---	----	-----

FIRST CONGRESSIONAL DISTRICT—	Sec.	Page.
Adams county a part of.....	13	137
South Arapahoe county a part of.....	14	143
FIRST JUDICIAL DISTRICT—		
South Arapahoe county a part of.....	14	143
FIRST SENATORIAL DISTRICT—		
South Arapahoe county a part of.....	14	143
FISCAL YEAR—		
ends November thirtieth.....	3	241
FISH—		
appropriation to purchase site, erect and stock a branch state fish hatchery in Routt county.....	1	184
designated Routt county hatchery.....	3	184
cost of construction not exceed appropriation....	4	184
in charge of one assistant, how appointed, salary	6	185
appropriation for.....	7	185
state fish commissioner or deputy adopt plans and supervise construction of branch fish hatchery	5	185
draw vouchers, governor approve.....	8	185
select site for branch state fish hatchery in Routt county, when.....	2	184
FIXTURES—		
See revenue.		
board of education furnish, for parental or truant schools	2	285
FLAGS—		
desecration of, misdemeanor.....	1	182
lawful to use for purely decorative purposes.....	1	182
unlawful to mutilate, trample upon, tear down, deface or defile.....	1	182
place advertisement, design or device upon flag or ensign of United States or of Colo- rado	1	182
use for name or emblem of political party..	1	182

INDEX.

499

FLEMING, C. K.—	Sec.	Page.
appropriation for relief.....	1	27
FLUME—		
board of directors of irrigation districts construct canal across.....	24	216
headgate, measuring flume or weir, owner maintain, failure.....	1	193
not taxed when used exclusively by owners.....	17	245
private property may be condemned for.....	1	175
proceedings to condemn land for.....	1	174
FOREIGN ACCIDENT INSURANCE COMPANY—		
See foreign insurance company.		
FOREIGN ADMINISTRATOR—		
pay tax to county treasurer on transfer of stocks or loans.....	31	252
FOREIGN ASSOCIATION—		
designate agent or place of business, file certificate, fee.....	7	120
file copy of general laws of foreign state or territory, fee.....	6	120
increase of capital stock, fees, penalty for failure to pay.....	5	119
FOREIGN CORPORATION—		
See corporations; revenue.		
annual license tax.....	70B	273
designate agent or place of business, file certificate, fee.....	7	120
file copies of general laws of foreign state or country, fees.....	6	120
increase capital stock, fees, penalty for failure to pay.....	5	119
FOREIGN EXECUTOR—		
pay tax to county treasurer on transfer of stocks or loans.....	31	252

FOREIGN INSURANCE COMPANY—	Sec.	Page.
contesting claim, penalty, attorney's fee.....	1	127
frivolous defense, adds twenty five per cent. to amount recovered by plaintiff.....	2	127
FOREIGN JOINT STOCK COMPANY—		
designate agent or place of business, file cer- tificate, fee.....	7	120
file copy of general laws of foreign state or ter- ritory, fees.....	6	120
increase of capital stock, fees, penalty for failure to pay.....	5	119
FOREIGN LIFE AND ACCIDENT INSURANCE COMPANY—		
See foreign insurance company.		
FOREIGN LIFE INSURANCE COMPANY—		
See foreign insurance company.		
FOREIGN RAILROAD COMPANY—		
See railroad company.		
condemn right of way for extension of branches, side track and switches.....	1	126
extend lines, branches, side tracks and switches..	1	126
file declaration of intention to build road with secretary of state and county clerks, description of route.....	2	126
FOREST RESERVES—		
memorial to secretary of interior to regulate grazing upon.....		401
FORESTRY—		
application to cut trees made to state board of land commissioners.....	2	186
value damage to forest trees by railroad company	14	189
appraiser of state land board inspect premises and report upon application to cut trees.....	6	187
camping parties secure permit, how issued, fee..	11	188

FORESTRY—Continued.

	Sec.	Page.
district attorneys prosecute violations of the law.	17	190
game and forest wardens, land appraisers and peace officers of state enforce law against de- stroying timber.....	13	189
responsible for fires by non-resident.....	12	188
locomotives used in forest areas equipped to protect against fire.....	14	189
measure of damage to forest trees by railroad company	14	189
neglect to equip locomotive by railroad company a separate offense.....	14	189
non-resident not camp in forest district without service of game or forest warden.....	12	188
protesting water users enjoin state board of land commissioners from disposing of trees....	7	187
railroad companies pay for damage to trees caused by fire.....	14	189
registrar of state board of land commissioners advertise and sell trees to highest bidder.....	7	187
notify protesting water users of report of appraiser	7	187
publish application to cut trees require pro- tests to be filed.....	4	186
refer application to cut trees to ap- praiser, require certified check to cover costs	3	186
papers and proceedings in application to cut trees to appraiser.....	6	187
right of way of railroads through forests kept free from inflammable material.....	14	189
state board of land commissioners bring suit against railroad companies for damage to for- est trees.....	14	189
employ deputy appraisers, compensation, duties	15	189
make no defense to injunction proceedings except at cost of applicant to cut trees....	7	187
require bond of person cutting trees.....	8	188
state lands not leased for any purpose which will destroy growth of trees.....	9	188

FORESTRY—Continued.

	Sec.	Page.
trees needed to conserve snow, ice or water, not cut	1	185
"tree" defined.....	9	188
unguarded fires not allowed.....	10	188
violators of forestry law guilty of misdemeanor, penalty, suit for damages.....	16	190
water user file protest against application to cut trees	5	186

FOREST WARDENS—

enforce laws against fires in forest, arrest violators	13	189
responsible for preservation of forest from fires by non-residents.....	12	189

FORFEITURE—

See revenue.		
for delinquent taxes for irrigation districts, revenue laws of state applicable to.....	20	214
of rights and privileges of corporation for willful violation of semi-monthly pay day.....	8	180

FORM—

See revenue.

FRANCHISES—

See irrigation districts; revenue.		
in public ways or lands may be taxed at additional rate of two mills.....	3	96
not exempted from taxation at full cash value	2	96
relating to streets, alleys or public places in Denver granted when ratified by electors.....	4	102

FRAUD—

See revenue.		
shipping farm produce into state to reship.....	1	19

FREE COINAGE—

of gold and silver resolution directing governor to inquire into powers and duties of congress over		408
---	--	-----

INDEX.

503

FREEHOLD—	Sec.	Page.
water rights in irrigation districts when apportioned becomes part of.....	9	205
FREEHOLDERS—		
vote at election to authorize bonds of irrigation districts	13	209
FREMONT COUNTY—		
constitutes ninth senatorial district.....	3	21
in third class for regulating salaries of officers.	1	181
in twenty-ninth senatorial district.....	3	22
number of representatives.....	5	23
FRUIT CARS—		
owners return number of miles made.....	104	296
FULL CASH VALUE—		
See revenue.		
FUNDS—		
See revenue.		
state or county treasurer not loan public, for private gain.....	5	242
FURNITURE—		
board of education furnish parental or truant schools with.....	2	365
building and loan associations return.....	76	277
FURNITURE CARS—		
See revenue.		
owners return number of miles made by.....	104	296

G

GARFIELD COUNTY—

in fourth class, division "A," for regulating salaries of officers.....	1	181
in twenty-first senatorial district.....	3	22
number of representatives.....	5	23

GAME WARDENS—	Sec.	Page.
enforce laws against fires in forest, arrest violators	13	189
responsible for preservation of forest from fires by non-residents.....	12	188
GENERAL ASSEMBLY—		
apportionment of senators and representatives...	2	20
request state board of charities and corrections to investigate private eleemosynary institutions...	2	88
GENERAL FUND—		
See towns and cities.		
county treasurer keep, what constitutes.....	19	213
GENERAL FUND TAX—		
of irrigation districts, treasurer receive warrant in payment of.....	19	213
GENERAL SCHOOL LAW—		
govern organization, government and conduct of schools of Black Hawk.....	1	76
GERMAN LANGUAGE—		
upon demand, school board provide for teaching..	1	362
GIFTS—		
city and county of Denver may receive, manage and dispose of.....	1	98
city of Denver may receive and manage.....	1	166
GILPIN COUNTY—		
in fourth class, division "A," for regulating salaries of officers.....	1	181
in twenty-sixth senatorial district.....	3	22
number of representatives.....	5	23
GIRLS' INDUSTRIAL SCHOOL—		
See state industrial school for girls.		

INDEX.

505

GOODS—

Sec. Page.

See revenue.

on temporary sale entered on roll, list or war-
rant and taxed as other property..... 138 309

GOVERNMENT—

taxes levied for the support of..... 1 241

GOVERNOR—

See revenue; state canal No. 3.
act upon findings and recommendations of state
board of charities and corrections concerning
eleemosynary institution..... 4 88
appoint commissioner to assist in determining
boundary between Colorado and New Mexico.. 1 78
officers for Adams county..... 3 • 134
Arapahoe county..... 3 139
to adjust matters of revenue and funds be-
tween Arapahoe and Adams counties..... 9 136
Arapahoe and South Arapahoe counties,
appeal 11 141
trustees for state normal school at Gynnison. 2 375
execute and deliver to United States deed for
tract of land in Colorado Springs..... 1 398
member of board of directors of state bureau of
child and animal protection..... 2 191
of state auditing board..... 4 32
3 42
prolong time between sentence and death penalty. 3 154
request state board of charities and corrections
to make investigation of private eleemosynary
institutions 2 88
sign petition for condemnation of property for use
of state..... 1 175

GRAND COUNTY—

in fifth class for regulating salaries of officers.... 1 182
in thirteenth senatorial district..... 3 21
number of representatives..... 5 23

GRAND JURY—	Sec.	Page.
may require assessor to exhibit statement of indebtedness	56	265
GRAND LARCENY—		
stealing bicycle is.....	1	160
GRANTEE—		
See revenue.		
pay taxes when.....	156	315
GRANTOR—		
See revenue.		
pay taxes when.....	156	315
GRAZING—		
upon forest reserves, memorial to regulate.....		401
GROSS EARNINGS—		
See revenue.		
GROSS PROCEEDS—		
See revenue.		
GAUGE ROD—		
placed in reservoir situate upon natural stream...	6	196
maintained at outlet.....	4	194
GUARD HOUSES—		
board of control of state canal No. 3 acquire location for.....	3	370
GUARDIAN—		
See irrigation districts; parental or truant school; revenue.		
made party to eminent domain proceedings, when	1	174
GUNNISON—		
state normal school established at.....	1	376

INDEX.

507

GUNNISON COUNTY—

	Sec.	Page.
in eleventh senatorial district.....	3	21
in fourth class, division "B," for regulating salaries of officers.....	1	181
number of representatives.....	5	23

GUNNISON RIVER—

state canal No. 3 take water from.....	2	369
--	---	-----

H

HART, HARRY—

contestor of election in Pueblo county.....	1	25
---	---	----

HAYES, M. C.—

appropriation for relief of.....	1	45
----------------------------------	---	----

HEADGATE—

owner of ditch, canal, flume or reservoir erect and maintain, failure, notice, not receive water.	1	193
person interfering with, guilty of misdemeanor..	1	196

HEADQUARTERS—

of board of St. Louis World's Fair managers.....	4	353
--	---	-----

HEALTH COMMISSIONER—

in cities of first class appointed by mayor with approval of council.....	2	332
membership, duties, powers.....	3	332

HEARING—

of petition to annex territory contiguous to irrigation district.....	32	219
secretary of state board of equalization serve notice of.....	88B	285

HEATING PLANT—

city and county of Denver may construct or obtain	1	98
---	---	----

HEIRS—	Sec.	Page.
liable for inheritance tax until paid.....	23	247
HIGHWAY—		
boards of directors of irrigation districts construct works across.....	24	216
HILL, NATHANIEL P.—		
resolutions of condolence.....		406
HINSDALE COUNTY—		
in eighteenth senatorial district.....	3	22
fifth class for regulating salaries of officers..	1	182
number of representatives.....	5	23
HISTORIC RUINS—		
memorial for the preservation of, in state.....		402
HOME FOR DEPENDENT AND NEGLECTED CHILDREN—		
See state home for dependent and neglected children.		
HOME INDUSTRY—		
resolution requesting state institutions to promote		410
HOME RULE FOR CITIES—		
See city and county of Denver.		
canvass of votes in election for.....	3	106
constitutional amendment for.....	1	97-106
HORTICULTURAL CONVENTION—		
appropriation for annual.....	2	47
HOUR—		
of execution of death penalty fixed by warden...	6	155
HOUSEHOLD GOODS—		
of the value of \$200 exempt from taxation.....	17	245

INDEX.

509

HOUSE OF REPRESENTATIVES—	Sec.	Page.
consists of sixty-five members.....	1	20
HUERFANO COUNTY—		
in fourteenth senatorial district.....	3	21
fourth class, division "A," for regulating salaries of officers.....	1	181
number of representatives.....	5	23
HUMANE SOCIETY—		
See state bureau of child and animal protection. accept provisions of act establishing state bureau of child and animal protection.....	1	191
certify acceptance of provisions.....	7	192
constituted a state bureau of child and animal protection	1	191
HUMANE TREATMENT OF ANIMALS—		
taught in public schools.....	1	362
HUSBAND—		
may return taxable property for wife.....	45	258
HYDRANTS—		
city council of Black Hawk provide and construct	1	74
HYGIENE—		
with special reference to effects of alcoholic stimulants and narcotics included in branches taught in schools.....	1	362

I

IDIOT—		
See revenue.		
IMPROVEMENTS—		
See revenue; towns and cities. on land voters of county may exempt or refuse to exempt from taxation once in four years.....	2	95

INCLEMENCY—	Sec.	Page.
of weather, street railway employes protected against	1	379
INCORPORATED TOWNS AND CITIES—		
within boundaries of Denver, excepted from city.	1	164
INCORRIGIBLE—		
child removed from parental or truant school and placed in some reformatory.....	11	368
INDEBTEDNESS—		
See refunding bonds; towns and cities.		
county assuming payment of liabilities designate and describe, state character, amount and form	2	149
former proceedings to fund or refund of county ratified and confirmed.....	3	149
laws of 1899 applicable to enable county to fund or refund.....	1	148
new county may fund or refund.....	1	148
disconnecting land does not exempt from taxes for, contracted while within limits of city.....	4	387
disconnecting land does not exempt from taxes for, contracted while within limits of city.....	4	387
no officer or member of board of St. Louis World's Fair managers contract, without au- thority	10	360
of Arapahoe county apportioned with South Arapahoe county.....	9	140
commissioners of Arapahoe and South Arapahoe counties adjust and apportion....	11	141
of Denver and Arapahoe county, how paid..	1	98
of school districts when annexed to dis- trict No. 1, how paid.....	7	106
INDICTMENT—		
against treasurer for loaning public funds.....	6	242
not affected by new revenue law.....	239	356

INDEX.

511

	Sec.	Page.
INDUSTRIAL SCHOOL FOR BOYS—		
See state industrial school.		
INDUSTRIAL SCHOOL FOR GIRLS—		
See state industrial school for girls.		
INFORMATION—		
See revenue.		
INHABITANT—		
See revenue.		
INJUNCTION—		
against state board of land commissioners, pro- testing water users, procure.....	7	187
INSANE ASYLUM—		
See state insane asylum.		
INSANE PERSONS—		
See revenue.		
INSPECTOR OF WEIGHTS AND MEASURES—		
test scales and measures at coal mines.....	1	235
INSURANCE—		
for school for deaf and blind.....	1	61
of buildings of state insane asylum.....	5	53
INSURANCE COMPANY—		
See foreign insurance company.		
INTANGIBLE PROPERTY—		
See revenue.		
INTANGIBLE RIGHTS—		
See revenue.		

INTEREST—	Sec.	Page.
See irrigation districts; refunding bonds; revenue.		
on bonds of city of Central, rate.....	4	91
paid semi-annually from regular or special		
levy of taxes or sale of water.....	7	91
on certificates of indebtedness for capitol furnish-		
ings	2	84
for improvements.....	2	82
on certificates of indebtedness for materials and		
labor for capitol, rate of, when payable.....	2	87
on state warrants and certificates of indebtedness	1	176
 INTEREST COUPONS—		
received in payment of district bond fund, taxes..	19	213
 INTERFERENCE—		
with watcher at election, penalty.....	4	173
 INTERNAL IMPROVEMENT FUND—		
appropriation for state canal No. 3.....	24	374
 INTERNAL IMPROVEMENT INCOME FUND—		
appropriation for state canal No. 3.....	24	374
 INTERROGATORIES—		
for making schedule for assessment.....	53	260
 INTERSECTIONS—		
railroad company unite with board of directors of		
irrigation districts in forming.....	24	216
 INTOXICATING LIQUORS—		
unlawful to sell outside of incorporated towns or		
cities without license.....	1	159
 INTRODUCTION—		
certificate and attestation of clerk on adopted or-		
dinance show fact of.....	1	332

INDEX.

513

INVESTIGATION—

	Sec.	Page.
of private eleemosynary institutions by state board of charities and corrections.....	2	88

IRRIGATION—

See irrigation ditches; state canal No. 3.		
headgates and measuring weirs under control of water commissioner.....	5	195
justices have jurisdiction over person interfering with headgate or water box.....	2	197
measuring flumes or weirs constructed by owner of ditch, canal or reservoir transferring water..	2	194
owner of ditch, canal, flume, or reservoir erect or maintain headgate, measuring flume or weirs..	1	193
owner of ditch, canal or reservoir transferring water erect headgate and flume, failure, not divert water.....	2	194
owner of reservoir maintain gauge rod, failure, penalty	4	194
not impound water when...?.....	4	194
upon natural stream make survey of contour lines	6	195
rating table supplied by state engineer or commissioner of irrigation.....	3	194
state engineer measure water discharged from reservoir where survey is impracticable.....	6	195
prepare table of capacity of reservoir situate on natural stream, place gauge rod, refusal, not deliver water.....	6	195
state engineer or superintendent of irrigation rate measuring flumes and weirs and supply water commissioner with rating table.....	3	194
refuse to deliver water.....	1	193
person interfering with headgate or water box guilty of misdemeanor, penalty.....	1	196
water used through headgate or water box prima facie evidence of violation of law.....	1	197

IRRIGATING CANALS—

collection of taxes upon, when delinquent.....	229	348
--	-----	-----

IRRIGATION DISTRICTS—	Sec.	Page.
annexation of contiguous territory, notice of petition, costs.....	31	218
proceedings	30	218
apportionment of water.....	9	205
approval of proceedings for examination of bond issue	59	230
assent to exclusion of territory given by outstanding bond holders, how evidenced, filed with board and recorded.....	47	225
assessor assess all real estate exclusive of improvements in, make returns to county commissioners	17	211
bids for construction of works opened in public..	21	214
board of directors, allow claims, issue warrants..	22	215
apportion water when insufficient supply....	27	217
bond of contractor for construction of works	21	214
canvass returns, manner, declare result.....	7	203
votes to dissolve district, declare results	54	228
certify to county clerk petition with results of election for dissolution of irrigation district	54	228
change boundaries over objections, resolution fixing boundaries.....	35	220
construct dams, reservoirs and works for collection of water, make surveys.....	10	207
irrigation works.....	10	207
works across stream, water course, street, avenue, highway, canal, ditch or flume.....	24	216
declare officers elected.....	8	204
deny petition to exclude territory.....	46	224
if bondholders do not assent.....	47, 49	225, 226
designate hour and place of holding election to organize irrigation district.....	5	203
designate where principal and interest of bonds paid.....	13	210
determine and certify to county commissioners each year amount of levy to be made..	16	211
direct work of construction.....	21	214

INDEX.

515

IRRIGATION DISTRICTS—Continued.

	Sec.	Page.
board of directors—continued.		
enter upon lands, acquire property, exercise		
right of eminent domain.....	10	207
execute official bond, approved by judge, re-		
corded with county clerk, form.....	4	202
exercise right of eminent domain in making		
crossings	24	216
file certified copy of order changing bound-		
aries with plat for record.....	50	226
petition for approval of bond issue....	56	229
fix and collect tolls and charges to defray		
expense of district.....	23	215
grant petition to exclude territory, describe		
boundaries, cause survey.....	49	226
order lands excluded.....	46	225
hear petition to exclude territory.....	45	224
reject or grant same.....	34	220
hold, use and acquire property of.....	11	208
Institute proceedings for judicial approval of		
issue and sale of bonds.....	55	228
let contract for construction of works, ad-		
vertise for bids.....	21	214
levy assessments to defray expenses and		
expenditures	23	215
make new divisions, establish and change		
election precincts.....	41	222
may change boundaries of election precincts	3	202
meetings, how conducted, quorum, records		
open to inspection.....	10	206
special, how ordered.....	10	206
minutes giving assent of bondholders to ex-		
clusion of territory admissible in evidence.	47	225
not incur indebtedness in excess of provis-		
ions of law.....	26	217
office, election, notice, judges.....	5	202
officers, powers, duties.....	9	205
office vacant by exclusion of territory of di-		
vision	51	227

IRRIGATION DISTRICTS—Continued.	Sec.	Page.
board of directors—continued.		
order change of boundaries after election,		
cause survey.....	37	221
by annexation of contiguous territory,		
file certified plat.....	38	231
cause survey.....	34	220
order election for change of boundaries, time,		
notice, conduct of election, ballots, can-		
vass returns.....	36	220
to exclude territory, notice, form of		
ballot	48	225
special election for dissolution of irriga-		
tion districts, prepare ballots.....	53	227
provide for issuance of bonds, amount, elec-		
tion to authorize, how paid.....	13	209
purchase irrigation works, ditches, canals		
and reservoirs, acquire water rights.....	10	207
redivide district after exclusion of territory,		
establish election precincts.....	52	227
rent use of water, terms.....	9	206
require payment by petitioners of contiguous		
territory to be annexed, of expenses of		
forming district.....	33	219
salaries, not interested in contracts.....	25	216
secretary post and publish notice of petition to		
exclude territory, contents.....	44	223
secretary record order changing boundaries,		
petition	39	222
sell bonds, give notice, receive bids, sell to		
highest bidder, use proceeds.....	14	210
take and hold property, sue and defend		
actions	12	208
vote to exclude land, describe boundaries....	47	225
use bonds to purchase canals, reservoir sites,		
reservoirs, water rights, water works.....	14	211
bonds and interest coupons received in payment		
of district bond fund taxes.....	19	213
court determine validity of issue of.....	59	230
express on their face authority of issuance..	13	210
how issued, when, how and where paid,		
denominations, record, interest, notice,		
form, ballot.....	10	209

INDEX.

517

IRRIGATION DISTRICTS—Continued.

	Sec.	Page.
bonds and interest coupons—continued.		
how paid, real property of district liable for payment of interest.....	15	211
may be used for payment of irrigation works purchased	10	207
payable in installments.....	13	209
boundaries changed by excluding territory.....	42	222
not affect organization.....	29	218
by-laws, rules and regulations printed for dis- tribution	9	205
chairman of election board administer oaths, ap- point judges and clerks.....	6	203
change of boundaries, election for, survey.....	37	221
city or town use water for irrigation, domestic and other public purposes.....	9	205
clerk of board of election to organize, deliver returns to board of directors.....	6	203
code of procedure applicable to proceedings for application for bond issue.....	58	230
contracts for construction of works, advertise- ment, notice for bids, contract let, bond.....	21	214
ratified by electors.....	9	205
costs of special proceedings to determine validity of bond issue, how paid.....	59	230
county clerk record certificate concerning dis- solution of irrigation districts.....	54	228
county commissioners declare district, organized and officers elected.....	3	201
establish election precincts in proposed, change and define boundaries, appo'int judges of election.....	3	201
file certified copy of order of election in, and plat of district with county clerk.....	3	201
give notice of election to organize.....	2	200
hear petition for organization of, with es- tablished boundaries.....	2	199
include and exclude land from, establish boundaries	2	200
make divisions of, number.....	2	200
meet to canvass votes on.....	3	201
of county where office is located fix rate of levy, certify to other county commissioners.....	18	212

IRRIGATION DISTRICTS—Continued.

	Sec.	Page.
county treasurer collect taxes, remit to district treasurer, keep accounts.....	19	212
ex-officio district treasurer of irrigation district, liability of.....	19	212
keep bond fund account and general fund account	19	212
receive warrants drawn against general fund in payment of taxes.....	19	212
remit moneys collected to district treasurer monthly	19	212
responsible for moneys of.....	19	212
court determine validity of bond issue.....	59	220
dissolution of, petition, election, notice, ballot....	53	227
district treasurer pay moneys out of funds, report to board of directors amount on hand.....	19	212
receive and receipt for all moneys.....	19	212
ditches not included in irrigation districts.....	1	199
duties of election officers to organize.....	6	203
election for change of boundaries, result, favorable boundaries surveyed.....	37	221
organization of irrigation districts and election of officers.....	2	201
polls open when.....	6	203
election precincts established and changed.....	41	222
election to exclude territory, results of.....	49	226
when held, notice, publication, form of ballot	48	225
eminent domain exercised to permit irrigation districts to divert appropriated water.....	28	217
exemptions of former ditches, canals and reservoirs	1	199
former ditches, canals or reservoirs exempt from	1	198
form of ballot for election for organization of.....	2	200
franchises of ditches, canals and reservoirs exempt from.....	1	199
freeholders vote at election to authorize bonds....	13	209
general fund taxes paid with warrants.....	19	212
hearing on petition for judicial examination of bond issue, clerk publish notice, form.....	57	229
to annex territory.....	32	219
to exclude territory, failure to show cause deemed assent.....	45	224

INDEX.

519

IRRIGATION DISTRICTS—Continued.	Sec.	Page.
interest on bonds, rate of, where paid.....	13	209
judges of election, county commissioners appoint, in proposed irrigation district.....	3	201
for organizing irrigation district, duties.....	6	203
judicial examination of bond issue, findings of court	59	230
legal representatives may sign or object to pe- tition to change boundaries.....	40	222
legal title to all property acquired vests in.....	11	208
liable for obligations and indebtedness.....	38	221
may authorize payment of bonds in less than twenty years.....	13	210
no other district formed, when.....	3	201
notice of election for organization of, publication. to authorize issuance of bonds for ir- rigation districts.....	2	200
13	209	
filing of petition to exclude territory, con- tents, secretary post and publish.....	44	223
officers, directors, number.....	2	200
salaries, not interested in contracts.....	26	216
subscribe official oath and file with county clerk	4	202
organization, powers.....	1	198
not affected by exclusion of territory.....	42	223
order of board of directors changing bound- aries	38	221
outstanding bonds, board exclude lands, bond- holders consent to exclusion.....	47	226
petitioners give bond, amount.....	2	199
petition for annexation of contiguous territory, acknowledgment	30	218
judicial examination of bond issue, contents, board of directors file.....	56	229
organization of, contents, publication of....	2	199
to dissolve, contents, special election, notice, form of ballot.....	53	227
pleadings in proceedings for examination of bond issue, parties.....	58	229
proceedings to annex territory, failure to object filing petition deemed assent.....	32	219
exclude territory, hearing.....	46	224
notice, contents.....	44	223
petition, contents, acknowledgment.....	43	223

IRRIGATION DISTRICTS—Continued.	Sec.	Page.
property exempt from taxation.....	11	208
publication of notice of election to authorize issuance of bonds for irrigation districts.....	13	209
bonds for irrigation districts.....	13	209
special election to dissolve irrigation district	53	223
of petition and notice of meeting of county commissioners	2	199
qualification of voters at election for organization of district.....	2	200
real estate in city or town subject to taxation for.	9	205
records of board of directors evidence.....	39	222
reservoirs not included in irrigation districts.....	1	199
revenue laws of state apply to levy and collection of taxes for.....	20	214
salaries of directors, officers.....	25	216
secretary of board of directors enter in records of board, statement of result of elections, file with county clerk.....	8	204
give notice of filing of petition to annex territory	31	218
keep record of bonds sold to file with county clerk	13	210
make out and deliver certificate of election.	8	204
post notice of election.....	5	202
special assessment for improvements or repair submitted to electors.....	9	206
tally lists not set aside for want of form.....	7	203
time of election in.....	4	202
towns and cities provide reservoirs and mains for distribution of water.....	9	206
unirrigable lands exempt from taxation for...	45	224
vacancy in board of directors, how filled, term..	8, 51	204, 227
in office of election judges of irrigation precinct	5	203
vested right to use water not attached when leased	9	206
warrants issued in payment of claims registered, drawn payable to bearer, draw interest, paid in order of presentation.....	22	215
water right when apportioned becomes part of freehold	9	205

INDEX.

521

IRRIGATION DISTRICTS—Continued.	Sec	Page.
waters of other streams or canals not diverted without compensation.....	28	217
waters with rights of way for canals and ditches and sites for reservoirs declared public use.....	10	207

ISSUE—

of teacher's certificate, applicant pay fee for.....	1	363
--	---	-----

J

JACKSON, J. M.—

appropriation for services as stenographer of Colorado Paris Exposition commission.....	1	71
---	---	----

JEFFERSON COUNTY—

in eighth senatorial district.....	3	21
fourth class, division "B," for regulating salaries of officers.....	1	181
twenty-sixth senatorial district.....	3	23
number of representatives.....	5	23

JOINT STOCK COMPANY—

See corporations.		
fee for filing amendments to articles of incorporation	2	117
articles of incorporation.....	1	116
increase of capital stock.....	3	118
file annual report.....	11	121
not do business nor hold property until fees and taxes are paid.....	10	121
officers and directors liable for debts and unpaid fees	11	125

JUDGE—

designate the week of execution of death penalty.	5	155
investigate contempt charges.....	1	93

JUDGE OF ELECTION—

See election; Irrigation districts.

JUDGMENT—

	Sec.	Page.
See city and county of Denver; contempt; irrigation districts; revenue.		
deemed satisfied after twenty years.....	1	231
execution issue upon judgment within twenty years	1	231
in suit for wages include attorney's fees as costs.	7	130
lien upon real estate for six years when transcript filed with county clerk.....	1	231

JUDICIAL DISTRICT—

city and county of Denver constitute one.....	1	99
---	---	----

JUDICIAL EXAMINATION—

of bond issue, board of directors file petition for..	56	229
of bond proceedings.....	55	223

JURISDICTION—

over lands ceded to United States for public building in Colorado Springs reserved to state.....	1	306
--	---	-----

JURY—

See criminal code; revenue.		
in contempt cases.....	2	95
person charged with contempt may demand.....	1	95

JUSTICES OF THE PEACE—

have jurisdiction of violation of election laws.....	4	173
of actions for interfering with headgate or water box.....	2	197
to try violation of law violating the wearing of medals.....	1	234
of Arapahoe county within city of Denver become justices of city and county of Denver.....	3	100
time of election changed.....	3	114

K

KEEN, PERRY M.—

contestees in election contest from Pueblo county	1	25
---	---	----

INDEX.

523

KIOWA COUNTY—

	Sec.	Page.
in fifth class for regulating salaries of officers...	1	182
twenty-second senatorial district.....	3	22
number of representatives.....	5	23

KIT CARSON COUNTY—

in fifth class for regulating salaries of officers....	1	182
twenty-second senatorial district.....	3	22
number of representatives.....	5	23

L

LABOR—

constitutional amendment making eight hours a day's	1	109
included in term credit for taxation.....	13	243
railroad company not permit trainmen to work more than sixteen hours without rest.....	1	233
penalty	2	233

LABOR COMMISSIONER—

number of reports published.....	1	239
----------------------------------	---	-----

LAKE COUNTY—

constitutes the sixth senatorial district.....	3	21
in third class for regulating salaries of officers...	1	181
number of representatives.....	5	23

LAND—

See revenue.

disconnected does not exempt from taxes for indebtedness contracted while within limits of city	4	387
donation of forty acres for state normal school..	1	375

LAND APPRAISERS—

enforce laws against fires in forest areas, arrest violators	13	189
--	----	-----

LA PLATA COUNTY—

	Sec.	Page.
in fourth class, division "A," for regulating salaries of officers.....	1	181
in nineteenth senatorial district.....	3	22
number of representatives.....	5	23
terms of district court.....	1	152

LARCENY—

stealing, purchasing or receiving stolen bicycle is	1	160
---	---	-----

LARIMER COUNTY—

in fourth class, division "A," for regulating salaries of officers.....	1	181
in tenth senatorial district.....	3	21
number of representatives.....	5	23

LAS ANIMAS COUNTY—

constitutes fourth senatorial district.....	3	21
in third class for regulating salaries of officers...	1	181
in twenty-fifth senatorial district.....	3	22
number of representatives.....	5	23

LAWS—

applicable to Denver and county of Arapahoe enforceable by and for the city and county of Denver	2	168
not changed by co-employee act	1	161

LEASE—

board of control of state canal No. 3 may, water for value and cost of maintenance and repairs...	22	374
of public lands by United States to private individuals or corporations, memorial opposing....		400
of state lands not permitted to destroy trees.....	9	188
of water of irrigation districts, when.....	9	206

LEGAL ADVERTISEMENT—

defined	1	180
fees	1	179
legal notices, ordinances and orders of court when published are.....	1	180
rates for publishing.....	1	180

INDEX.

525

LEGAL ADVERTISEMENTS—Continued.	Sec	Page.
measurement of.....	1	179
officer of municipal corporation or board fix rates for publishing.....	1	179
LEGALITY—		
of refunding bonds registered with auditor not open to question.....	5	397
LEGATEE—		
liable for inheritance tax until paid.....	23	247
refund proportion of newly proved debts.....	30	251
LEGISLATIVE COMMITTEE—		
appropriation for expenses of.....	1	26
LIABILITIES—		
building and loan associations return.....	76	278
exempt from taxation.....	55	264
of Denver and Arapahoe county.....	1	98
LIABILITY—		
of corporation to employes of contractor.....	6	130
directors and officers for failure to file an- nual report, fees, debts.....	11	125
foreign corporations for fees for increasing stock	5	119
officers, directors or stockholders of corpora- tions, joint stock company or association for failure to pay fees.....	3	118
person holding property in trust for failure to list property or pay taxes.....	78	278
on assessor's bond, joint and several.....	44	256
LIBRARIES—		
See public libraries.		
LIBRARY COMMISSIONERS—		
See state board of library commissioners.		

LICENSE—	Sec.	Page.
See criminal code; revenue; state license.		
all except marriage licenses issued by county clerk require additional fee.....	22	247
to private eleemosynary institutions, state board of charities and correction issue.....	1	87
annually without fee.....	5	88
 LICENSE TAX—		
See revenue.		
corporations pay annual.....	70A	273
foreign corporations.....	70B	273
failing to pay forfeits right to do business...	70C	274
not imposed upon corporations not for profit.....	70E	274
 LIEN—		
See revenue.		
of bonds and interest upon real property of irri- gation districts.....	15	211
judgment upon real estate good for six years	1	231
suspended by injunction.....	1	231
 LIFE ESTATES—		
are not subject to tax.....	24	248
 LIGHT PLANT—		
city and county of Denver may construct or ob- tain	1	98
 LIMIT—		
of indebtedness of irrigation districts.....	26	217
 LIMITATION OF ACTIONS—		
See revenue.		
 LINCOLN COUNTY—		
in fifth class for regulating salaries of officers....	1	182
in twenty-second senatorial district.....	3	22
number of representatives.....	5	23

INDEX.

527

LIQUORS—

	Sec.	Page.
misdemeanor to sell malt, vinous or spirituous without license.....	2	159
unlawful to sell outside of incorporated town or city without license.....	1	159

LISTING—

See revenue.

LIVE STOCK—

See revenue.

LOCATION—

of state canal No. 3.....	2	369
board of control acquire.....	3	370

LOCOMOTIVES—

used in forest area equipped to protect against fire	14	189
---	----	-----

LODE—

name of sufficient description for purposes of tax- ation	83	231
--	----	-----

LOGAN COUNTY—

in fourth class, division "B," for regulating sal- aries of officers	1	181
in twelfth senatorial district.....	3	21
number of representatives.....	5	22

LUNACY COMMISSIONERS—

See board of lunacy commissioners.

M

MACHINERY—

appropriation for at state industrial school.....	1	48
board of control of state canal No. 3 purchase....	5	370
on mining claim valued separately for taxation..	82	280

MACHINE SHOPS—	Sec.	Page.
railroad return number and value of.....	97	292
 MAINTENANCE—		
of state home for dependent children.....	1	46
insane asylum, appropriation for.....	6	53
state canal No. 3, board of control compute probable cost of.....	17	373
lease water for value and cost of, and repairs	22	374
perpetual water rights provide for annual assessments for.....	21	374
 MALICE—		
implied, when.....	2	153
 MANUFACTURER—		
See revenue.		
defined for purposes of taxation.....	51	260
 MANUFACTURES—		
See revenue.		
 MARKET MASTER—		
in cities of first class appointed by mayor with approval of council, removal.....	2	383
 MARKET VALUE—		
See revenue.		
 MARKING—		
of election ballots.....	3	172
 MARRIED WOMEN—		
husband made party to proceedings for condemnation of land of.....	1	174
 MATERIALS—		
See state canal No. 3.		

INDEX.

529

MAVERICKS—

	Sec.	Page.
defined	1	377
identified, treasurer refund money.....	1	377
proceeds of sale of, placed to credit of county school fund.....	1	377
round-up commissioners give bill of sale with description and price paid for.....	1	377
sold to highest bidder for cash.....	1	377

MAXWELL LAND GRANT—

memorial asking relief for settlers upon.....		408
---	--	-----

MAYOR—

See towns and cities.		
of city of Central sign coupon bonds.....	5	91
of Denver becomes mayor of city and county of Denver	3	100
sign refunding bonds.....	3	395

McWILLIAMS, JAMES—

appropriation for service as member of Colorado Paris Exposition commission.....	1	71
--	---	----

MEARS, OTTO—

resolution requesting capitol manager to place portrait in capitol building.....		407
--	--	-----

MEASURES—

owners of coal mines keep.....	1	235
credited to person mining it and capacity of car plainly marked upon it.....	2	236
Inspector of weights and measures test at mines	1	235
state inspector test.....	1	236

MEASURING FLUME—

owner of ditch, canal or reservoir erect and maintain, failure, notice, not receive water....	1	193
---	---	-----

MEASURING WEIRS—

headgates under supervision of irrigation officers.	5	195
---	---	-----

MEDALS—

	Sec.	Page.
given to men serving in Spanish war declared		
official	1	234
wrongful use of.....	2	234

MEDICAL EXAMINERS—

See state board of medical examiners.

MEETINGS—

of board of directors of irrigation districts, when held, how ordered.....	10	206
board of St. Louis World's Fair managers..	4	353
county board of equalization.....	215	342
county commissioners to hear petition for organization of irrigation districts.....	2	300
state auditing board.....	4, 3	32, 42
state board of equalization.....	218	345
state bureau of child and animal protection held at state capitol, when.....	4	191

MEMBERS—

of board of control of state canal No. 3.....	1	369
board of St. Louis World's Fair managers not contract indebtedness without authority	10	360
convention sign charter for city and county of Denver.....	4	101
health commission in cities of first class....	3	332
house of representatives.....	1	20
senate	1	20

MEMORIAL—

asking relief to Maxwell land grant settlers.....	403
opposing cession or leasing of arid lands by United States.....	400
opposing ship subsidy bill.....	404
requesting preservation of ruins of cliff dwellers.	402
to regulate grazing on forest reserves.....	401

MERCHANDISE—

See revenue.

INDEX.

531

MESA COUNTY—

	Sec.	Page.
in fourth class division "A" for regulating salaries of officers.....	1	181
in sixteenth senatorial district...	3	21
number of representatives.....	5	22

MILE POSTS—

placed each mile along southern boundary of state	"	79
---	---	----

MILITIA—

medals given to men engaged in Spanish war declared official.....	1	234
wrongful use of, penalty.....	2	234
justices of the peace have jurisdiction..	2	234

MINER—

See mines and mining.

MINERAL COUNTY—

in fifteenth senatorial district.....	3	21
in fifth class for regulating salaries of officers....	1	182
number of representatives.....	5	23
terms of district court.....	1	150

MINERAL LANDS—

owner may construct and operate connecting railway spur.....	1	237
exercise right of eminent domain.....	1	238

MINES—

See revenue.		
constitutional amendment for eight hour day in..	1	109

MINES AND MINING—

coal mines,		
each car or apparatus for removing coal bear distinct number.....	2	236
eighty pounds constitute bushel of coal.....	2	236
inspector of weights and measures test scales and measures at coal mines.....	1	235

MINES AND MINING—Continued.

Sec.

Page.

coal mines—continued.

state inspector of mines test scales and measures at coal mines in counties having no inspector.....	1	236
mined by measure, how paid for.....	3	236
by weight weighed before screening....	3	236
misdemeanor for owner of mine to screen coal before weighing.....	4	237
penalty	4	237
operator or miner require inspector to test scales and measures.....	1	235
owners keep scales and measures.....	1	235
two thousand pounds constitute ton of coal..	2	236
weight or measure of coal correctly credited to person mining it and marked upon car returning to reload.....	2	236
laws by which railroad companies acquire title applicable to owners of coal or mineral lands desiring connecting railway spur.....	1	238
owner of coal or mineral lands may construct and operate connecting railway spur.....	1	237
exercise right of eminent domain for connecting railway spur.....	1	238

MINING CORPORATIONS—

mining coal, file annual report, contents, fee.....	11	121, 124
mining precious metals, file annual report, contents	11	121, 122
property owned by represents value of capital stock for purposes of taxation.....	82	230

MINOR—

See revenue.

MISDEMEANOR—

corporation or person operating car without vestibule	3	380
county clerk failing to print ballot with black corner	3	171

INDEX.

533

MISDEMEANOR—Continued.

	Sec.	Page.
desecration of flag of United States or of Colorado	1	182
for appraiser to take fees or reward from any person liable to pay inheritance tax.....	34	253
for assessor to violate section concerning statement of indebtedness.....	56	265
for court officers to wilfully fail to collect fees....	19	245
interfering with headgate or water box guilty of.	1	196
watcher at election guilty of.....	4	173
officers failing to perform duties imposed by revenue laws guilty of.....	7	242
owner of mine screening coal before weighing....	4	237
returning imperfect schedule guilty of.....	74	276
selling liquors without state license.....	21	246
selling malt, vinous or spirituous liquors outside of incorporated towns and cities without license	2	159
ship and reship farm produce to mislead.....	3	19
violating secrecy of details of execution of death penalty	9	157
violations of forestry law deemed.....	16	190
wrongfully using medals given to those serving in Spanish war guilty of, penalty.....	2	234

MONEY--

board of control authorized to receive subscriptions along route of state canal No. 3.....	13	372
in treasury of Arapahoe county apportioned between Adams and Arapahoe according to ratio of taxable property.....	8, 9	135
with South Arapahoe county.....	10	140

MONTEZUMA COUNTY--

in fifth class for regulating salaries of officers.....	1	182
in nineteenth senatorial district.....	3	22
number of representatives.....	5	23
terms of district court.....	1	152

MONTROSE COUNTY--

in fourth class division "B" for regulating salaries of officers.....	1	181
in seventeenth senatorial district.....	3	22
lands to be redeemed by state canal No. 3.....	2	369
number of representatives.....	5	23

MORGAN COUNTY—

	Sec.	Page.
in fifth class for regulating salaries of officers....	1	182
in twelfth senatorial district.....	3	21
number of representatives.....	5	23

MORTGAGE BONDS—

railway corporations return amount, value and interest of.....	97	233
--	----	-----

MORTGAGEE—

may demand taxes paid, with interest on action to enforce mortgage.....	157	315
may pay taxes or redeem if mortgagor neglects..	157	315
lien upon land until paid.....	157	316

MORTGAGES—

assessed with real property as a unit.....	14	244
--	----	-----

MOTORMAN—

protected from storm by vestibule.....	2	379
--	---	-----

MUNICIPAL AUTHORITIES—

consent to construction of transmission lines....	1	131
levy upon stock of national banking associations as upon other capital.....	207	340
not issue, transfer or renew license to sell liquors until state license is produced.....	20	246

MUNICIPAL CORPORATION—

county commissioners declare amount assessed against railway, telegraph, telephone, express, fast freight, palace or sleeping car companies for	112	300
term of office of officers, included in city and county of Denver, ended by proclamation of governor	3	100

MURDER—

See criminal code.		
proceedings pending in cases of, not affected by capital punishment act.....	12	153

N

NAME—	Sec.	Page.
of branch state fish hatchery.....	3	181
corporation, joint stock company or association charged fee for filing change.....	2	117
NATIONAL BANKING ASSOCIATIONS—		
See revenue.		
NEGLIGENCE—		
of co-employees, damages, liability for.....	1	161
NEGOTIABLE—		
bonds of irrigation districts shall be.....	13	210
NET EARNINGS—		
See revenue.		
NEWSPAPER—		
county commissioners select, to publish delinquent tax list.....	163	319
NON-RESIDENTS—		
moneys of subject to taxation when loaned out..	16	244
not camp in forest districts without service of game or forest warden.....	12	188
NORMAL INSTITUTE DISTRICT—		
sum accredited to, transmitted to custodian of fund	3	364
NORMAL INSTITUTE DISTRICT NO. 3—		
Adams and South Arapahoe county included in..	14	143
NORTH PARK—		
constituted and made round-up district No. 28...	1	376
NOTES—		
See revenue.		

NOTICE—

	Sec.	Page.
See irrigation districts; revenue.		
for special election to decide question of bonds for city of Central.....	9	92
of call for refunding bonds, how published.....	4	396
complaint against eleemosynary institutions and time for hearing.....	3	88
meeting of commissioners of Arapahoe and Adams counties for apportionment of revenues	9	135
Arapahoe and South Arapahoe counties proceedings to commit child to parental or truant school given parent or guardian.....	11	141
special election on question of refunding bonds, publication of.....	6	306
special meeting of council of city of first class, service.....	1	394
state engineer or superintendent of irrigation to owner of ditch, canal or flume to build headgate	6	333
required to be published is legal advertisement...	1	193
to owner of ditch, canal or reservoir, transferring water to erect headgate, measuring flume or weir	1	180
when required to be published are legal advertise- ments	2	194
	1	180

O

OATH—

assessor, treasurer, county clerk or their deputies may administer.....	9	242
form of assessor's.....	96	262
members of board of election to organize irriga- tion district, administer, members take.....	6	208
officers in irrigation district subscribe and file with county clerk.....	4	202
of person making schedule for assessment.....	53	262
state board of charities and corrections administer	2	88

INDEX.

537

OBJECTIONS—

Sec. Page.

See revenue.

mayor of city of first class return ordinance,
contract or resolution to council with written.. 5 383

OBLIGATIONS—

of Denver and Arapahoe county, how paid..... 1 98

OFFENSE—

operating street car without vestibule each day
a separate..... 3 380

OFFICE—

See revenue.

of directors of irrigation district, where located.. 5 202

OFFICER—

of board of St. Louis World's Fair managers not
contract indebtedness without authority..... 10 360

of city of Central receive no compensation for
sale or exchange of bonds..... 3 91

OFFICERS—

See Adams county; city and county of Denver;
irrigation districts; revenue; South Arapahoe
county; towns and cities.

board of education employ, for parental or truant
schools 3 365

file report with governor..... 1 239

of board of control of state canal No. 3..... 1 369

corporation, joint stock company or associa-
tion liable for fees..... 3 118

state bureau of child and animal protection
elected annually..... 4 191

OFFICIAL REPORTS—

officers deposit with governor..... 1 239

limit of pages..... 1 240

penalty of state printer for not publishing..... 1 240

secretary of state print, number of copies..... 1 239

OMISSIONS—	Sec.	Page.
See revenue.		
OPERATION—		
board of control of state canal No. 3 compute probable cost of.....	17	373
perpetual water rights provide for annual assessments for.....	21	374
OPERATOR—		
of mine may require inspector to test scales and measures at coal mine.....	1	235
OPPRESSIVE—		
court not give relief unless assessment is.....	94	290
ORDER OF COURT—		
required to be published is legal advertisement...	1	180
ORDINANCES—		
See city and county of Denver; towns and cities. of towns or cities when published are legal ad- vertisements	1	180
ORE REDUCTION WORKS—		
constitutional amendment for eight-hour day in.	1	109
ORGANIZATION—		
See irrigation districts. of board of control of state canal No. 3.....	1	369
OTERO COUNTY—		
constitutes the twenty-third senatorial district..	3	22
in fourth class, division "A," for regulating salaries of officers.....	1	181
number of representatives.....	5	23
OURAY COUNTY—		
in eighteenth senatorial district.....	3	22
in fourth class, division "A," for regulating sal- aries of officers.....	1	181
number of representatives.....	5	23

INDEX.

539

OUTLETS—

	Sec.	Page.
to sewers may be constructed and costs assessed against real property in proportion to benefits..	7	391

OWNER—

See mines and mining; revenue.		
not entitled to disconnect land from city if city has maintained public utilities for three years..	3	387
of contiguous tracts on border of city may petition county court to disconnect from city.....	1	396
of ditch, canal or reservoir transferring water erect measuring flume or weir.....	2	194

P

PALACE CAR COMPANIES—

See revenue.

PAPERS—

state board of equalization compel production of.	88B	285
---	-----	-----

PARCEL—

purchaser of more than one, of land may have whole included in one certificate.....	176	324
---	-----	-----

PARENTAL OR TRUANT SCHOOL—

agent, truant officer or citizen petition court to inquire into cases of children of compulsory school age.....	5	365
board of education allow religious services or arrange for attendance at public service.....	4	365
employ necessary superintendent, officers, agents and teachers for.....	3	365
exercise same powers as for other schools..	3	365
furnish necessaries for operation and maintenance of.....	2	365
not establish until adopted by majority vote..	12	368
power to establish and enforce regulations for parole and retaking of children in....	8	367
superintendent to petition court to remove incorrigible child from.....	11	368

PARENTAL OR TRUANT SCHOOL—Continued.	Sec.	Page.
child discharged from, not recommitted unless by petition	9	363
violating parole returned and not again re- leased for three months.....	10	363
conduct of child on parole satisfactory for one year gives final discharge.....	9	367
contents of petition to county court regarding children of compulsory school age.....	5	365
county court determine application to commit child to parental or truant school.....	5	366
established and maintained in cities of 100,000 or more	1	364
in cities of less than 100,000 population.....	12	363
incorrigible children removed and placed in some reformatory	11	363
no criminal shall be committed.....	5	366
not allowed to increase levy for school purposes beyond limit fixed by law.....	2	365
notice given to parent or guardian of proceedings to commit child to.....	6	366
parent or guardian of child committed to, pay cost of board and clothing.....	7	366
refuse to supply board and clothing for child in, board furnish and recover costs, with penalty	7	367
parole, board of education establish regulations for children.....	8	367
penalty for violating.....	10	363
of city of Denver becomes police magistrate of restrictions upon.....	8	367
premises purchased or rented for, as in case of public schools.....	2	365
purpose of.....	1	364
receive no religious instruction except as allowed in public schools.....	4	365
restrictions upon parole of children from.....	8	367
school districts may unite to establish and main- tain	12	363
shall not be located near any penal institution....	2	365

INDEX.**541**

PARENTAL OR TRUANT SCHOOL—Continued.	Sec.	Page.
superintendent certify to board fitness of child for parole	8	367
require monthly report from principal of school where child on parole is attending..	9	367
PARENTS—		
See parental or truant school.		
demand teaching of Spanish and German languages and gymnastics in schools.....	1	362
PARK COUNTY—		
in fourth class, division "B," for regulating salaries of officers.....	1	181
in twentieth senatorial district.....	3	22
number of representatives.....	5	23
PAROLE—		
See parental or truant school.		
PARTIES—		
in interest appear before state board of equalization	88B	285
to eminent domain proceedings.....	1	174
proceedings for examination of bond issue..	58	230
suit for appointment of receiver of corporation to collect taxes.....	238	351
PARTNER—		
each liable for whole tax against partnership.....	48	259
PARTNERSHIP—		
not operate street railroad without vestibule.....	1	380
PAWNBROKER—		
annually return value of property pledged.....	211	341
PAYMENT—		
of proportion of expenses of forming irrigation district	33	219

PEACE OFFICERS—

	Sec.	Page.
enforce laws against fires in forest areas, arrest violators	13	189
make complaint of any person, company or corporation selling liquors without a state license..	21	247

PENAL INSTITUTION—

no parental or truant school shall be located near.	2	365
---	---	-----

PENALTIES—

See revenue.		
for not publishing official reports inure to general school fund.....	1	240
revenue laws of state applicable to, for delinquent taxes for irrigation districts.....	20	214

PENALTY—

See revenue.		
for contempt.....	2	94
corporation failing immediate payment of discharged employe.....	3	129
violating semi-monthly pay day.....	2	129
county clerk or commissioner failing to publish proceedings of board.....	4	147
desecration of flag of United States or of Colorado	1	182
directors of irrigation districts being interested in contracts, receiving bribes.....	25	217
failure to file annual report.....	11	125
foreign insurance company presenting frivolous defense in contesting claim.....	2	127
interfering with headgate or water box.....	1	197
watcher at election.....	4	173
murder in first degree.....	2	154
in second degree.....	2	154
not publishing official reports.....	1	240
operating street car without vestibule.....	3	330
selling liquor without a state license.....	21	246
malt, vinous or spirituous liquors outside of incorporated towns and cities without license.....	2	159

INDEX.

543

PENALTY—Continued.	Sec.	Page.
for contempt—continued.		
shipping and reshipping farm produce.....	3	19
stealing or receiving stolen bicycle.....	1	160
violating forestry law.....	16	190
limiting hours of labor of trainmen.....	2	233
violation of act requiring coal to be weighed before screening.....	4	237
secrecy of details of execution of death penalty	9	157
law concerning preparation of ballots.	2	170
parole from parental or truant school.	10	363
wilful violation of semi-monthly pay day....	8	130
wrongful use of medals given to those serv- ing in Spanish war.....	2	234
 PENITENTIARY—		
appropriations for.....	1	56
for part payment for maintenance, support, incidental expenses and salaries.....	1	55
repairs and improvements.....	1	57
indebtedness not authorized beyond appropri- ation	2	56
commissioners furnish convicts to general head- quarters for work on state canal No. 3.....	5	370
provide place and appliances for executing death penalty.....	4	154
convicts returned at completion of canal.....	15	372
work on state canal No. 3.....	5	370
death penalty inflicted at.....	4	154
warden inflict.....	4	155
keep book of record of executions, items....	8	156
supply clothing for convicts employed upon state canal No. 3.....	8	371
warden appoint deputy to take charge of con- victs employed upon state canal No. 3.....	9	371
 PENSIONS—		
not included in term credit for taxation.....	13	243

PERJURY—

See revenue.

PERMIT—	Sec.	Page.
to camping parties in forest district, how issued, fee, shown on demand, taken up, when.....	11	188
PERPETUAL WATER RIGHTS—		
See irrigation.		
basis of calculation of value of, for state canal No. 3.....	18	373
PERSON—		
See revenue.		
interfering with headgate or water box guilty of misdemeanor	1	196
PERSONAL PROPERTY—		
See revenue.		
Arapahoe county pay Adams county sum deter- mined for retention of.....	6	125
city and county of Denver may buy and sell.....	1	98
city of Denver hold for public uses.....	1	166
of Arapahoe county appraised and apportioned to South Arapahoe county.....	8	140
voters of county may exempt or refuse to exempt from taxation once in four years.....	2	95
PETITION—		
See parental or truant school; revenue; towns and cities.		
submitting question of exemption of personal property and improvements, from taxation to voters	2	95
to city council to amend charter of Denver or for charter convention.....	5	108
to condemn property for use of state, how signed	1	175
district or county court to condemn lands for public or private use, contents.....	1	174
PETITIONER—		
against assessment pay to county treasurer the tax levied.....	94	290

INDEX.

545

PHILLIPS COUNTY—

	Sec.	Page.
in fifth class for regulating salaries of officers....	1	182
in twelfth senatorial district.....	3	21
number of representatives.....	5	23

PIPE LINES—

city council of Black Hawk provide and construct	1	74
--	---	----

PITKIN COUNTY—

in eleventh senatorial district.....	3	21
third class for regulating salaries of officers.	1	181
number of representatives.....	5	23

PLACE—

for selling mavericks prescribed by round-up commissioners	1	377
---	---	-----

PLACER MINES—

when contiguous or in one group in different counties, how sold for taxes.....	232	349
---	-----	-----

PLAT—

See irrigation districts.		
commissioners procure of county.....	212	342

PLEADINGS—

in inheritance tax cases same as in probate cases.	36	254
in proceedings for determination of bond issue....	58	229

POLICE—

see that persons selling liquors have secured state license	20	246
--	----	-----

POLICE DEPARTMENT—

charter of city and county of Denver provide civil service regulations for.....	3	100
council in cities of first class may by vote of two- thirds reinstate appointee suspended by mayor..	2	382
mayor of city of first class head of.....	1	381

POLICE MAGISTRATE—	Sec.	Page.
in cities of second class, elected every two years,		
compensation, duties.....	1	334
city and county of Denver.....	3	100
POLICEMEN—		
in cities of first class appointed by mayor with		
approval of council.....	2	332
POLITICAL PARTIES—		
state central committee control controversies of..	1	169
POLLS—		
for election to organize irrigation district, when		
open	6	203
POSSESSORY RIGHTS—		
in mines bearing precious or valuable metals		
taxed according to value.....	33	279
POSTING—		
attestation of clerk on adopted ordinance shows		
publication or.....	1	332
POULTRY CARS—		
owners return number of miles made by.....	104	236
POWER COMPANIES—		
See corporations; directors.		
POWER PLANTS—		
board of control of state canal No. 3, acquire		
location for.....	3	370
city and county of Denver may construct, or		
obtain, condemn.....	1	93
file annual report, contents, fee.....	11	121, 124

INDEX.

547

POWERS—	Sec.	Page.
of health commission in cities of first class.....	3	333
officers serving short term in cities of second class have.....	1	335
state convention and state central committee of political parties.....	1	169
PRECINCTS—		
for election purposes Denver redivided into.....	2	165
PRE-HISTORIC RUINS—		
memorial for the preservation of, in state.....		402
PREMISES—		
rented for parental or truant schools.....	2	365
PRESCRIPTIVE RIGHT—		
not attached to water in irrigation districts when leased.....	9	206
PRESIDENT—		
of foreign railroad company subscribed declaration to build or extend road.....	2	126
PRICE—		
commissioners fix, upon land bid in by county....	179	327
PRINCIPAL—		
of school where child on parole from parental or truant school is attending make monthly report to superintendent.....	9	367
PRINTER—		
transmit affidavit within fourteen days after last publication or receive no pay.....	162	318
PRIVATE PROPERTY—		
may be taken by eminent domain proceedings for private use.....	1	175

PRIVATE WAYS OF NECESSITY—	Sec.	Page.
private property may be taken for.....	1	175
PRIVILEGES—		
description placed in schedule for taxation.....	227	347
PROCEDURE—		
for appeal or writ of error in case of contempt same as in civil actions.....	3	94
PROCEEDINGS—		
county commissioners publish.....	1	147
penalty for failure to publish.....	4	147
for condemnation of property of persons under disability, of married women.....	1	174
pending in any court not affected by repeal of revenue law.....	239	356
in cases of murder not affected by capital punishment act.....	12	158
city of Denver survive to city and county of Denver	1	167
pertaining to Adams county transferred from Arapahoe county.....	5	134
transferred from Arapahoe to South Arapahoe county.....	5	139
to fund or refund liabilities of county if conform- ing to law are ratified and confirmed.....	3	149
PROCEEDS—		
from sale of perpetual water rights in state canal No. 3, how used.....	20	373
of sale of mavericks placed to credit of school fund of county.....	1	377
PROCLAMATION—		
of governor terminates term of office of officers of city of Denver and included municipalities....	3	100
PROOF—		
record of decree, of disconnection of land from city	5	387

INDEX.

549

PROPERTY—

Sec.

Page.

See irrigation districts; revenue.

PROSECUTION—

not affected by new revenue law..... 239 356

PROTECTING WATER USERS—

See forestry.

PROTEST—

of water user against application to cut trees.... 5 186

PROWERS COUNTY—

in fourth class division "B" for regulating salaries of officers..... 1 181
in twenty-fifth senatorial district..... 3 22
number of representatives..... 5 23

PUBLICATION—

See irrigation districts; revenue; towns and cities.
county clerk furnish copy of proceedings of county commissioners for, when..... 3 147
details of execution of death penalty not published 6 156
of application to cut trees..... 4 186
legal advertisement, fees..... 1 179
new charter, charter amendment, or call for charter convention before election..... 5 103
proceedings of county commissioners..... 2 147

PUBLIC BUILDING—

deed for land for site of in Colorado Springs..... 1 398
land, released from taxation..... 2 398

PUBLIC FUNDS—

See funds.

PUBLIC HEALTH—

See state board of health.

PUBLIC LIBRARIES—	Sec.	Page.
exempt from taxation.....	17	244
PUBLIC ROAD—		
proceedings to condemn land for.....	1	174
PUBLIC SCHOOLS—		
See schools.		
humane treatment of animals taught in.....	1	363
hygiene with special reference to effects of alcoholic stimulants and narcotics taught in.....	1	363
of Black Hawk organized, governed and conducted in accordance with general school law..	1	76
shall be taught in English language.....	1	362
PUBLIC USE—		
water and all property of irrigation districts declared to be.....	10	207
PUBLIC UTILITY—		
city and county of Denver may construct, or obtain and operate.....	1	98
city maintain, for three years owner not entitled to disconnect land.....	3	337
department of, charter of city and county of Denver provide civil service regulations for.....	3	100
PUBLIC WORKS—		
department of, charter of city and county of Denver provide civil service regulations for.....	3	100
PUBLISHER—		
transmit to treasurer affidavit of publication of notice of sale for taxes.....	162	318
PUEBLO COUNTY—		
constitutes the second senatorial district.....	3	21
in second class for regulating salaries of officers..	1	181
twenty-ninth senatorial district.....	3	22
twenty-seventh senatorial district.....	3	22
number of representatives.....	5	23

INDEX.

551

PUMPS—

	Sec.	Page
city council of Black Hawk provide and construct	1	74

PURCHASE PRICE—

of premises secured for state industrial school for girls	2	50
---	---	----

PURCHASER—

See revenue.

Q

QUALIFICATIONS—

of district attorney.....	1	110
election judges.....	1	171
officers of city and county of Denver.....	2	99
of voters at organization of irrigation districts	2	201
constitutional amendment.....	1	107
on question of refunding indebtedness..	1	394

QUARRIES—

included in term "real estate" for taxation.....	13	243
taxed like other property, according to value.....	32	280

QUORUM—

majority of united boards of commissioners of Arapahoe and South Arapahoe counties constitues	11	141
of board of directors of irrigation districts.....	10	206

QUOTA—

of convicts kept equal by exchanging when term has expired.....	6	371
---	---	-----

QUO WARRANTO—

against corporation, joint stock company or association failing to pay fees.....	3	113
foreign corporation, joint stock company or association to collect fees.....	5	119

R

RAILROAD COMPANY—

	Sec.	Page.
See revenue.		
file annual report, contents, fee.....	11	121, 123
fix regular monthly pay day.....	1	129
foreign company may extend lines, branches, sidetracks and switches.....	1	126
remain under jurisdiction of state.....	2	126
injuries to forest trees, equip locomotives used in forest areas to protect against fire.....	14	189
liable for separate offense for each day's failure	14	189
keep right of way in forest areas free from inflammable material.....	14	189
measure of damage to forest trees	14	189
not permit trainmen to work more than sixteen hours without rest.....	1	233
penalty for violating law.....	2	233
proceedings to condemn land for.....	1	174
unite with board of directors of irrigation district in forming crossings.....	24	216

RAILWAY SPUR—

owners of coal or mineral lands may construct and operate connecting.....	1	237
exercise right of eminent domain for con- necting	1	238
laws by which railroad companies ac- quire title applicable to owners of coal or mineral lands desiring connecting.	1	238

RANEY, THOMAS—

appropriation for services as member of Colo- rado Paris Exposition commission.....	1	71
--	---	----

RATE—

See interest.		
of compensation for publishing delinquent tax list	163	319
interest from time purchaser is entitled to deed until application.....	188	333
on unpaid inheritance tax.....	25	249

INDEX.

553

RATE—Continued.	Sec.	Page.
levy for irrigation districts, county commis- sioners fix.....	18	212
taxation in Denver fixed annually.....	4	102
in state four mills on the dollar when no lower rate is prescribed by state board of equalization.....	126	305
tax shall not exceed limit of constitution....	221	346

RATING TABLE—

state engineer or superintendent of irrigation , supply water commissioner with.....	3	194
---	---	-----

RATIO—

for apportionment of representatives.....	2	20
of senators.....	2	20

REAL ESTATE—

See revenue.		
meaning of defined.....	13	243
cost of storm sewers assessed upon, in pro- portion to benefits.....	6	390
for purposes of satisfying judgment defined..	1	232
in towns or cities subject to taxation for ir- rigation districts.....	9	205

REAL PROPERTY—

Arapahoe county pay Adams county sum deter- mined for retention of.....	6	135
city and county of Denver may buy and sell....	1	98
costs of general sewer outlets assessed against, in proportion to benefits.....	7	391
Denver hold for public use.....	1	166
of Arapahoe county appraised and apportioned with South Arapahoe county.....	8	140

RECEIPT—

See revenue.		
must accompany vouchers and requisitions upon contingent fund.....	5, 4	33, 43

RECEIPTS—	Sec.	Page.
of board of state canal No. 3 convertible into water rights or certificates of indebtedness....	13	372
RECEIVER—		
See revenue.		
RECOGNIZANCES—		
still binding in twelfth judicial district as by former law	2	150
RECOMMENDATIONS—		
to governor concerning investigation of eleemosynary institution, state board of charities and corrections make.....	4	88
RECORDS—		
See irrigation districts; revenue.		
Arapahoe county transcribe into proper books and deliver to Adams county.....	10	136
expense of transcribing determined by arbitration	10	136
to South Arapahoe county, expenses.....	12	142
of decree, proof of disconnection of land from city of execution of death penalty filed with clerk of court of conviction.....	5	337
warden of state penitentiary keep book of, items	7	156
	8	156
REDEMPTION--		
See revenue.		
of bonds of city of Central made by special tax upon real and personal property.....	7	92
REDEMPTION FUND—		
for refunding bonds.....	3	396
REFEREE—		
to adjust matters of revenue and funds between Arapahoe and Adams counties, governor appoint	9	136
Arapahoe and South Arapahoe counties, governor appoint, appeal.....	11	141

INDEX.

555

REFERENDUM—

	Sec.	Page.
of grant of franchise in Denver to electors....	4	102

REFORMATORY—

appropriation for general support and maintenance	1	68
for second half of west wing of cell house at state reformatory.....	1	69
heating plant.....	1	69
convicts work on state canal No. 3.....	5	370
returned at completion of canal.....	15	372
supply clothing.....	8	371
indebtedness not authorized to exceed appropriation	2, 1	68, 69

REFRIGERATOR CAR COMPANY—

See revenue.

REFRIGERATOR CARS—

See revenue.

REFUNDING BONDS—

auditor register, upon receipt of certified copy of order of council or trustees.....	5	397
bear seal of city or town.....	3	395
board of trustees cancel bonds when paid, make record	4	396
called in by city or town treasurer when redemption fund is sufficient to liquidate.....	4	396
canvass of votes.....	1	394
council or trustees authorize issue by ordinance..	6	397
call for issuing refunding bonds by ordinance determine, and make and record a certificate of, amount of, to issue.....	1	393
levy tax for refunding of nine years from date of issue.....	3	395
to pay interest.....	3	395
post and publish notice of special election....	1	394
record order requesting auditor to register..	5	397
submit question of issue of, to voters at general or special election.....	1	394
when may issue.....	1	393

REFUNDING BONDS—Continued.	Sec.	Page.
county treasurer make list of taxpayers.....	1	394
coupons of, how signed.....	3	395
denomination of, when payable.....	1	395
exchanged for old bonds or sold for cash.....	2	395
fee for registering.....	5	397
form of ballot for.....	1	394
form prescribed by city council or board of trustees	3	395
interest upon payable semi-annually, rate.....	1	395
cease thirty days after call for payment....	4	396
issued payable to bearer.....	3	395
if majority of tax payers vote for.....	1	394
legality of, when registered with auditor not open to question.....	5	397
not issued until accrued interest paid.....	2	395
until old bonds called in and cancelled.....	2	395
not sold at less than face value.....	2	395
paid in order of issuance.....	4	396
publication of notice of call for payment.....	4	396
qualification of voters on refunding indebted- ness	1	394
recite title of act under which issued.....	3	395
taxes levied for payment of interest and principal	3	395
 REGISTER—		
of warrants of irrigation districts.....	22	215
 REGISTRAR—		
See forestry.		
 REGISTRATION—		
of refunding bonds.....	5	397
 REGULATIONS—		
of irrigation districts printed for distribution.....	9	205
 RELIGIOUS CORPORATIONS—		
See fees.		
 RELIGIOUS INSTRUCTION—		
none given in parental or truant schools except as allowed in public schools.....	4	365

INDEX.

557

RELIGIOUS SERVICES—

	Sec.	Page.
board of education allow, in parental or truant schools or arrange for attendance at public service	4	365

RELIGIOUS SOCIETIES—

file annual report, fee.....	11	125
------------------------------	----	-----

REMOVAL—

newly appointed assessor subject to.....	91	289
of live stock from state, assessor make schedule.	217	343
of members of board of control of state canal No. 3.....	1	369
of senator.....	4	22

RENEWAL—

of teacher's certificate, applicant pay fee for.....	1	363
--	---	-----

RENTAL—

of water of irrigation districts, rate.....	9	206
---	---	-----

REPORT—

See annual report.		
filed, with governor.....	1	239
printed by secretary of state.....	1	239
of appraiser on application to cut trees made in writing	6	187
commissioner appointed to assist in determining southern boundary of the state filed under oath with secretary of state....	4	80
received as evidence in courts.....	4	80
eleemosynary institutions filed annually with state board of charities and corrections	5	88
investigation of eleemosynary institution....	4	88
labor commissioner, number published.....	1	239
private eleemosynary institutions made to state board of charities and corrections..	1	87
state superintendent of public instruction, number of copies published.....	1	239

REPRESENTATIVE DISTRICTS—

	Sec.	Page.
See apportionment.		
Adams county attached to Arapahoe county.....	12	137
Arapahoe and South Arapahoe counties constitute a representative district.....	14	143

RESERVATION—

memorial requesting the setting aside of, to preserve ruins of cliff dwellers.....		402
--	--	-----

RESERVOIRS—

See irrigation districts; revenue; state canal No. 3. city council of Black Hawk provide and construct	1	74
headgate, measuring flume or weir, owner maintain, failure, state engineer or superintendent of irrigation notify, refuse to deliver water.....	1	193
owner maintain gauge rod at outlet of.....	4	194
owners not impound water when.....	4	194
private property may be condemned for site of..	1	175
situate upon natural stream, state engineer survey	6	185

RESERVOIR SITES—

of irrigation districts declared public use.....	10	207
--	----	-----

RESOLUTION—

becomes valid without signature of mayor of city of first class.....	5	383
concerning free coinage of gold and silver.....		408
describing changes in boundaries of irrigation districts	35	220
directing the attorney general to protect rights of Colorado in the waters of the Arkansas.....		411
involving money passed by council of cities of first class, mayor sign.....	5	383
of condolence upon the death of Nathaniel P. Hill		406
passed by three-fourths vote of council over mayor's objections.....	5	383

INDEX.

559

RESOLUTION—Continued.

	Sec.	Page.
requesting capitol managers to place portrait of Otto Mears in capitol building.....		407
requesting state institutions to purchase Colorado products.....		410
requiring signature of mayor in city of first class sent to him within forty-eight hours.....	5	383

RETURNS—

of election to organize irrigation district, clerk deliver to board of directors.....	6	203
---	---	-----

REVENUE—

act under which classification of counties for state board of assessors is made.....	88	284
appeal from decision of assessor, tax payer may..	94	290
assessment, additional assessments collected same as other taxes.....	154	314
objection and statement made in writing.....	94	290
objections, tax payer appear before assessor with grievance.....	93	289
assessor publish or post notice of day to hear objections.....	93	289
continue hearing from day to day.	93	290
correct error in assessment.....	93	289
give in writing grounds of refusal to correct assessment.....	94	290
assessor and court consider value of similar property when considering grievance	95	290
court not give relief unless assessment is fraudulent or oppressive.....	94	290
petitioner against assessment pay tax levied	94	290
treasurer refund with interest.....	94	290
personal property listed and assessed where located May 1.....	73	276
assessment roll, has no validity until subscribed and sworn to before auditor.....	86	282
in counties having less than 100,000 population assessor produce roll at Boulder	86	282
and tax warrants prima facie evidence.....	8	242

REVENUE—Continued.

	Sec.	Page.
assessor, action for breach of statutory duties brought against assessor at any time after filing of assessment roll.....	44	256
appeal from decision of board of equalization	90	288
bond given with sureties for performance of all statutory duties.....	44	256
attorney general bring suit for breach..	44	256
cost	44	257
included in expenses.....	44	256
county treasurer repay cost.....	44	257
sureties justify in double the penalty of the bond.....	44	256
liability joint and several.....	44	256
principal and sureties pay full amount of loss.....	44	256
certificate of auditor of failure of assessor to prepare correct abstract prima facie evidence	115	302
compare and correct assessment before making affidavit.....	88	283
compute tax at rate fixed.....	221	346
entitled to fees for certifying information concerning property of corporation to treasurer	67	271
of fifty cents to endorse treasurer's receipt for taxes.....	123	305
failing to compute and extend taxes for any legal state fund subject to fine.....	118	302
at rate fixed subject to fine.....	221	346
to prepare abstract of roll or forwarding incorrect one to auditor forfeits five hundred dollars.....	115	301
produce certificate from auditor forfeits twenty-five per cent. of salary.....	116	302
failure to notify taxpayer of taxes due not invalidate assessment, levy of tax or sale of property.....	131	307
include in roll description of franchise of street railway company.....	236	351
indicted for perjury entitled to change of venue	87	283

INDEX.

561 .

REVENUE—Continued.

Sec.

Page.

assessor—continued.

leave each inhabitant of county blanks for return of property.....	45	257
or transmit additional blanks for return of property controlled.....	45	257
list money or securities previously exempted.	59	266
mail blanks for return of property to non-residents	45	257
notice of change of valuation.....	93	289
make abstract of assessment roll in duplicate and transmit one to auditor.....	114	301
expenses of obtaining abstract paid from twenty-five per cent. retained by commissioners	116	302
make changes in roll when.....	119	302
notified to show cause why he should not be removed from office.....	91	288
governor hear evidence and decide, remove	91	288
county commissioners fill vacancy in office of assessor.....	91	288
not reappoint assessor removed	91	289
newly appointed assessor subject to removal.....	91	289
obtain addresses of taxpayers and return in report	131	307
place amounts levied by state board upon roll subject to same per cent. as taxes from other sources.....	112	300
place in roll name and description of canal..	234	350
pro rate total tax levied to several funds....	121	303
personally produce roll before auditor and take oath of truth of statement.....	86	281
auditor administer oath.....	86	282
record in auditor's office conclusive evidence of assessor's oath.....	86	282
require exhibition of non-taxable securities..	60	267
information under oath of total value of a business, plant or enterprise.....	64	268
revise schedule returned.....	45	258

REVENUE—Continued.

Sec.

Page.

assessor—continued.

submit to commissioners assessment of county with list of property returned.....	113	301
persons or corporations returning incomplete or no list.....	113	301
take receipt of treasurer for warrant.....	122	306
wilfully or knowingly failing of duty guilty of perjury.....	87	283
assessors meet at capitol to compare assessments	88	283
auditor may excuse absence from meeting...	88	283
does not invalidate his roll if sworn to at another time.....	88	283
receive fifty dollars and railway fare.....	89	287
auditor, allow no unreceipted interest on warrants	208	339
allow treasurer credit for erroneous assessments or sales.....	202	339
attend at Boulder to receive assessment rolls and administer oaths.....	86	282
certificate of oath or record conclusive evidence	86	282
deliver blanks for special corporation returns to assessor.....	70	273
examine abstract and send assessor certificate	117	302
give county credit for cancelled taxes.....	208	340
prescribe instructions and forms for special returns of corporations.....	70	273
preserve record of presentation and authentication of assessment roll of each county	86	282
banking associations, assessor treat capital stock as other similar property.....	208	341
lands or other property may be held for tax upon shares.....	208	341
liable as agents for tax upon shares.....	208	341
officers give assessor list of shares of association and owners.....	208	340
retain of dividend enough to pay tax upon shares	208	341
whose officers fail to comply with law liable for whole tax on its shares.....	208	341

INDEX.

563

REVENUE—Continued.

	Sec.	Page.
bank deposits assessed by average credits for the year	75	277
assessor list bank credits from any information obtainable.....	75	277
made outside state by residents assessible in this state.....	75	277
building and loan associations, liabilities deducted from money, notes and credits and surplus assessed where principal office is situate.....	76	278
make return.....	76	277
real estate, capital stock and tangible personal property assessed.....	76	278
car companies, return number of miles made of stock, furniture, refrigerator, fruit, poultry, tank or other cars.....	104	296
state assess proportionate value of plant of car company, firm or individual operating in other state.....	107	297
certificate of purchase assignable by endorsement	177	326
clerk assign certificate and treasurer give receipt for taxes and interest paid.....	166	320
fee for assignment of certificate held by county	179	327
for endorsing certificate.....	178	326
form of certificate.....	176	324-5
contents	176	323
holder of certificate demand deed after three years	179	326
lost certificate, owner execute bond.....	200	338
show evidence of loss or detention.....	200	338
commissioners give order for deed when certificate has been lost or wrongfully withheld.....	179	326
commissioners receive evidence of loss and issue certificate of proof, attested by clerk.....	179	327
clerk make record of issuance of certificate in proceedings of board.....	179	327
person holding several certificates may have all included in one deed.....	179	326

REVENUE—Continued.

	Sec.	Page.
certificate of purchase—continued.		
purchaser of more than one parcel of land		
may include in one certificate.....	176	324
pay fee to county treasurer for certificate of purchase.....	176	324
treasurer give certificate of purchase held by county to person paying taxes, costs, interests, penalties and assignment fee....	179	327
purchaser of real property sold for taxes a certificate of purchase	176	323
issue county a certificate of purchase...	166	320
collection of taxes, encumbrancers of corporation not party to suit for receiver to collect taxes, when.....	238	352
error in name upon tax warrant may be corrected and tax collected from person intended	129	306
execution in case of unpaid tax upon concealed property issue as in other cases.....	132	307
expense of collecting taxes not paid by state	4	241
judgment given for tax, costs, interest and charges in case of unpaid tax upon concealed property.....	132	307
list and warrant, authority for treasurer against prior illegality of proceeding.....	127	306
no informality shall render proceedings for collection of taxes illegal.....	122	305
no personal demand for taxes necessary.....	130	306
person attend at office of treasurer and pay taxes.....	130	306
property of corporation in county other than where assessed.....	228	348
of delinquent taxes in new county disposed as if originally assessed.....	139	310
of corporation for collecting and distributing waters.....	229	348
taxes collected for state institutions combined under one head.....	124	305
tax roll or treasurer's certificate prima facie evidence in case of unpaid tax on concealed personal property.....	132	307

INDEX.

565

REVENUE—Continued.

Sec.

Page.

collection of taxes—continued.

warrant of county treasurer full authority		
to collect taxes.....	122	306
corporate stock not taxed unless bank stock.....	140	311
corporations, assessor and board of equaliza- tion value the entire business of a corporation as a unit.....	63	268
apportion and certify to each county ratable proportion of intangible property, moneys and credits of.....	65	269
certify information concerning in- tangible property to treasurer.....	67	271
learn value of property outside of state	68	271
require necessary information of..	65	270
capital stock not returned by taxpayer.....	140	310
cost of duplication of property considered in assessment.....	62	267
failing to give county treasurer verified certificate concerning its stock subject to fine	141	311
failing or refusing to make return subject to fine	70	273
nothing interfere with assessment and taxa- tion of properties of, doing business in two or more counties.....	63	268
officers give county treasurer verified certif- icate concerning its stock.....	140	310
other than railroad, express, fast freight, palace or sleeping car, or individuals, file with clerk of state board of assessors veri- fied statement of properties and business..	104	296
penalty for failing or refusing to make re- turns paid into county treasury.....	70	273
president or accounting officer certify returns to assessor.....	70	273
property beyond limits of state deducted from total value to determine value of in- tangible property.....	66	270
purchaser of distrained stock admitted to rights and privileges of former holders....	140	310

REVENUE—Continued.	Sec.	Page.
corporations—continued.		
real and personal property taxed where situated	65	269
realty assessed as for individual.....	62	268
return certified copy from other assessors where business is carried on to assist in assessment of intangible property.....	67	270
sale of property of railway for taxes transfers both tangible and intangible property	223	246
send each county an abstract showing by counties its assessment of real and personal estate for preceding year.....	65	269
set forth in statement property owned and controlled	109	236
statements of amount to be assessed against railroad or other company operating cars entered upon proper records of each county and preserved in office of clerk.....	111	300
tax upon intangible property a lien upon tangible property	69	271
value of capital stock and bonds taken as value for taxation.....	62	267
of property at voluntary sale considered in assessment	62	267
of use.....	62	267
county assess proportionate share of property of railway, telegraph and telephone companies.....	111	299
of each fast freight company and of firm or individual operating special cars	111	300
responsible to state for tax levied for state purposes except that certified unavailable..	204	339
county board of equalization, adjust and equalize valuation	92	239
county commissioners of each county constitute board, meeting.....	215	342
county clerk give ten days' notice of time and place of first meeting.....	216	343
hear complaints and adjust assessment....	215	343
may abate excess valuation, when.....	92	239
extend time of meeting.....	215	343

INDEX.

567

REVENUE—Continued.

	Sec.	Page.
county board of equalization—continued.		
notify assessor of omissions.....	215	343
clerk's notice by mail deemed personal		
and sufficient.....	215	343
number increase or decrease total valuation.	92	289
county clerk notify persons of changes in as-		
sessment	215	343
prepare semi-annual statements of condition		
of state revenue in his county.....	145	312
commissioners sign.....	145	312
statement authenticated and sealed in		
duplicate retained in office, other		
transmitted to auditor.....	145	312
transmit copy of assessment order to asses-		
sor	112	300
charge amount of additional assess-		
ments collected to treasurer.....	154	315
county commissioners allow treasurer for item-		
ized report upon double or erroneous assess-		
ments compensation equal to that for collect-		
ing taxes.....	144	312
bring suit for fine for refusing to aid treas-		
urer	142	311
to recover fines for failure or refusal		
of corporation to make returns.....	70	273
declare assessment against each express,		
fast freight, palace or sleeping car com-		
pany for benefit of school district or mu-		
nicipal corporation.....	112	300
enforce act regarding special returns of		
corporations	70	273
furnish assessor blank schedules of form pre-		
scribed by auditor and necessary instruc-		
tions	213	342
levy annual tax, when.....	214	342
make proper entries relieving old and charg-		
ing new treasurer with responsibility of del-		
inquent taxes.....	139	310
procure plat of county and abstract of real		
estate subject to taxation.....	212	342
receive rate of taxation from auditor.....	214	342

REVENUE—Continued.

	Sec.	Page.
county commissioners—continued.		
record order declaring amount of assessment against any railway, telegraph or telephone company for school and municipal pur- poses	112	300
refund money erroneously paid.....	204	339
report cancelled taxes to auditor for credit..	206	340
retain twenty-five per cent. of salary of as- sessor until he produce certificate from au- ditor	116	302
county treasurer assess, as "additional assess- ments," property omitted by assessor.....	153	314
bring suit if sufficient personal property to pay tax is not found.....	132	307
certificate and receipt evidence that real es- tate described was free of all taxes and sales	150	314
certify amount of taxes due on any parcel of land	149	313
copy of tax list and warrant on prop- erty for taxation outside of his county tax warrant to county where tangi- ble property of corporation is sit- uate	69	271
clerk or assessor and sureties liable for sales made through his mistake.....	151, 201	314, 339
collect and receipt taxes for state institu- tions	152	314
taxes of corporations assessed by state board when in his county.....	228	348
where tangible property is located.	69	271
collect taxes.....	127	306
compensation collecting from sale of dis- trained goods	135	308
continue to receive taxes with interest until day of sale.....	143	311
county commissioners allow treasurer five per cent. of additional assessments collected	154	315
make up default.....	155	315
payment of tax by county to cover default does not release.....	155	315
fill vacancy in office of treasurer..	148	313

INDEX.

569

REVENUE—Continued.

Sec.

Page.

county treasurer—continued.

county have recourse to official bond of in case of default.....	155	315
credit state treasury with amount due each state institution.....	152	314
distrain and sell personal property for taxes account for and pay into treasury receipts of sale.....	120	306
adjourn sale from day to day, post notice	124	308
check fraud by distraint and sale.....	123	307
keep distrained goods at expense of owner	137	308
proceedings in sale same as in other executions	132	307
render account of sale of distrained goods and charges.....	125	308
return surplus of sale of distrained goods to owner.....	133	308
sell shares of capital stock.....	133	308
treasurer of new county proceed if delinquent taxes are not paid upon demand	140	310
district court file certified copy of judgment rendered against, with commissioners.....	139	310
fees for certifying taxes due.....	148	313
keep complete record of taxes cancelled....	149	313
make monthly payments to state.....	205	340
semi-annual settlement with commissioners	146	312
not accept tax warrant nor order for less than amount due.....	145	312
notify each person of amount of tax due.....	5	241
of county where principal office is maintained	131	306
distrain and sell personal property of railway, telegraph, telephone, express, fast freight, palace car or sleeping car companies or other corporation for delinquent taxes	222	346
omit from delinquent list lands erroneously assessed and report to commissioners.....	144	311

REVENUE—Continued.

	Sec.	Page.
county treasurer—continued.		
pay redemption money to person executing bond	200	338
property omitted in assessment inserted in warrant by treasurer with arrears of taxes	125	305
personal property removed or concealed, treasurer bring suit for tax.....	132	307
pro rate taxes collected to several funds.....	127	306
receive taxes when offered after receipt of tax warrant.....	10	242
removed from office not again eligible.....	148	313
report sending list of delinquent taxes to new county to commissioners and auditor..	139	310
to commissioners under oath, additional assessments collected.....	154	314
require aid.....	142	311
person refusing liable as for resisting sheriff	142	311
return collection to treasurer of county where tax was levied.....	69	272
sell en masse property of railway corporations for delinquent taxes if personal property is insufficient.....	223	346
surrender redemption money on receipt of tax certificate.....	199	338
transmit all moneys belonging to state to...	147	312
withholding money due state tried as for embezzlement	148	313
district attorney file information.....	148	313
district court issue bench warrant.....	148	313
found guilty forfeits office and pays fine	148	313
credit, definition of.....	13	243
pensions and salaries not included in term..	13	243
delinquent taxes, clerk of new county acknowledge to county treasurer in writing, receipt of list	129	310
commissioners allow compensation for publishing list.....	163	319
cancel taxes delinquent for six years, keep complete record.....	205	339
select newspaper to publish list.....	163	319
draw interest.....	143	311

INDEX.

571

REVENUE—Continued.

delinquent taxes—continued.

	Sec.	Page.
of corporations assessed upon property in county other than where principal office is located	228	348
omission, error or defect carried into delinquent list or publication treasurer amend and republish or give supplementary publication	175	323
receiver appointed to operate property of corporation to collect.....	238	351
taxes become delinquent, when.....	148	311
treasurer send clerk of new county list....	139	309
description, abbreviations of words and figures sufficient	81	279
corporation or person describe franchises, privileges and intangible rights in schedule sufficient for identification.....	227	347
land must be sufficiently described on tax roll to identify it.....	170	321
number of survey lot or other description sufficient	81	279
real estate whose owner can not be learned, assessed as unknown.....	90	279
drainage tunnel, when used to give access to mines deemed real estate for taxation.....	230	349
executor, administrator or trustee give location of real estate subject to tax to county treasurer	29	251
pay county treasurer within thirty days money received as tax.....	28	251
county treasurer give duplicate receipt for money received as tax.....	28	251
exemptions, what properties are subject to.....	17, 55	244, 264
buildings used for religious, school or charitable purposes.....	17	245
cemeteries not private.....	17	245
ditches, canals and flumes used by owners exclusively.....	17	245
household goods valued at \$200.....	17	245
property of state, county or municipality and public libraries.....	17	244

REVENUE—Continued.

	Sec.	Page.
exemptions—continued.		
no exemption from execution and sale in case of unpaid tax upon concealed property exempt from taxation.....	132	307
person claiming give assessor description of non-taxable holdings.....	59	266
express and fast freight companies file statement with clerk of state board of assessors, giving shares of capital stock, number of cars and gross and net earnings.....	102	294
fees, clerks of court collect.....	18	245
court officers pay fines and forfeit office for willfully failing to collect.....	19	246
make monthly return of fees.....	18	245
not entitled to compensation for col- lecting	18	245
appearance not entered in court proceedings until fee is paid.....	18	245
county treasurers divide.....	69	271
each description in tax list and warrant reckoned a parcel in computing.....	149	313
licenses issued by county clerk except mar- riage licenses require additional fee.....	22	247
paid over to treasurer of state monthly.	22	247
statutory fees not exceed ten cents.....	188	333
bear same interest and penalties as original amount.....	188	333
pro rated among tracts.....	188	333
grazing live stock, assessed where grazing as of any date.....	217	343
assessor give certificate of assessment.....	217	344
brought into state assessable even if taxes paid elsewhere.....	217	345
clerk deliver and charge to treasurer copy of assessment of stock moved without paying tax	217	345
fines for fraudulently obtaining certificates of assessment are for benefit of proper county	217	344
owner moving stock without paying tax, treasurer send clerk of county where sit- uated, copy of assessment.....	217	345

INDEX.

573

REVENUE—Continued.

	Sec.	Page.
grazing live stock—continued.		
paying tax or making return in some other county of state not subject to second tax.....	217	344
threaten removal from state assessor make immediate return of schedule to treasurer	217	343
tax on removed stock not paid on demand treasurer proceed by distraint.....	217	345
sheriff serve distraint warrant against owner	217	344
treasurer issue.....	217	344
treasurer collect taxes on stock removed to his county.....	217	345
treasurer collecting tax on removed live stock deduct percentage and pay remainder to treasurer of county making assessment.	217	345
goods on temporary sale, assessor or treasurer demand valuation and assess.....	138	309
value entered on roll, list or warrant and taxed as other property.....	138	309
no penalties or costs imposed for delinquen- cies prior to assessment.....	138	309
person holding goods on sale showing receipt from another county not assessed.....	138	309
improvements, definition of.....	13	243
buildings, water rights, structures, fixtures and fences included in term.....	13	243
inhabitant refusing to submit to assessor's ex- amination cited before court and taxed with costs	49	259
inheritance tax,		
administrator, executor or trustee apply to court to make apportionment of tax if legacy be not in money.....	26	250
deduct from legacy or property and pay county treasurer for state.....	26	250
enforce payment in same manner as payment of legacies might be en- forced	26	250
failing to pay within one year give bond not deliver legacy or property until tax is paid	26	250

REVENUE—Continued.

Sec. Page.

Inheritance tax—continued.

not discharged from liability unless he produce sealed and countersigned receipt for tax.....	28	251
retain tax upon whole amount if legacy be in money for a limited period..	26	250
sell property to pay.....	27	250
send receipt for tax to state treasurer.	28	251
any person entitled to receipt or copy of receipt for payment of tax, fee.....	43	255
appeal from order of county court appraising property and assessing tax.....	33	253
appraiser make written report to county court of facts required concerning property subject to.....	33	252
notify by mail all persons interested in property subject to, of time and place of appraisal.....	33	252
subpoena witnesses to assist in determining value of property subject to..	33	252
taking fees from person liable to pay tax guilty of misdemeanor.....	34	253
corporation making transfer of stocks or loans liable to pay inheritance tax.....	31	252
county clerk record receipt for payment of inheritance tax.....	43	255
county court allow as costs in suit for unpaid tax reasonable fees to district attorney	37	254
first acquiring jurisdiction over questions relating to tax retain same.....	35	253
from report of appraiser fix cash value and liability of property.....	33	253
give notice by mail to parties interested in property appraised for fixing tax..	33	253
summons persons interested to show why tax should not be paid.....	36	254
where property is situated or where decedent was a resident have jurisdiction over matters relating to.....	35	253

INDEX.

575

REVENUE—Continued.

Sec.

Page.

Inheritance tax—continued.

county judge and county clerk make statement to treasurer every three months of tax due and unpaid.....	38	254
appoint appraiser to fix value of property subject to.....	33	252
file as public record book containing facts pertaining to tax cases.....	40	255
keep record of estates and property fixed for amount of tax assessed and payments made.....	40	255
county treasurer give on demand sealed copy of receipt for payment of.....	43	255
notify district attorney, who shall prosecute to collect unpaid tax.....	37	254
pay appraiser from funds to account of inheritance tax.....	33	253
interest at ten per cent. on tax collected and not paid over semi-annually	41	255
state treasurer tax collected.....	41	255
receive tax for state.....	23	247
render state treasurer satisfactory proofs of erroneous payment of tax, refund	32	252
report to auditor of state semi-annually particulars concerning tax collection	41	255
retain as part of salary two per cent. of tax collected.....	42	255
devisee electing not to pay tax until in actual possession must give bond.....	24	249
due and payable at death of decedent with interest until paid.....	25	249
estates valued under \$5,000 passing to immediate relatives are exempt from tax.....	23	248
under \$500 passing to other than immediate relatives not subject to tax.....	23	248
foreign executor or administrator pay tax to county treasurer on transfer of stocks or loans.....	31	252

REVENUE—Continued.

inheritance tax—continued.

	Sec.	Page.
heirs, legatees, devisees, administrators, ex- ecutors and trustees liable to state for tax until paid.....	23	247
if paid within six months no interest is charged and a discount is allowed.....	25	249
lien of tax, must be sued within five years or ceases to be.....	43	256
limited to property chargeable there- with	43	256
until paid.....	24	249
life estate not subject to tax.....	24	248
penalty for appraiser taking fees from any person liable to pay.....	34	253
process, practice, pleadings, hearing, deter- mination, judgment, fees and costs in cases pertaining to inheritance tax same as provided in probate cases in the county courts	36	254
property belonging to non-resident passed by will is subject to tax.....	23	247
rate of tax.....	23	248
real, personal and mixed property passed by will by resident of state is subject to tax	23	247
remain a charge upon real estate until paid..	26	250
state treasurer allow county treasurer ex- penses incurred for service in collecting... charge county treasurer with tax re- ceived	39	254
furnish county judges book for entry of facts pertaining to cases.....	28	251
give county treasurer receipt for tax collected and paid over.....	40	255
refund to executor, administrator or trustee amount of tax paid in error if application be made within two years	41	255
seal and countersign receipt for tax and return to executor, administrator or trustee as voucher.....	32	252
	28	251

INDEX.

577

REVENUE—Continued.

	Sec.	Page.
inheritance tax—continued.		
when legatee required to refund his proportion of newly proved debts, a due proportion of tax shall be repaid.....	30	251
intangible property, assessed with tangible property as a unit.....	61	267
definition of.....	13	244
of corporation taxable in this state.....	66	270
rights, credits, franchises, special privileges and special advantages included in term.....	13	244
special privileges and franchises classed as.....	61	267
taxed in county holding greatest value of real and personal property.....	66	269
interest on taxes subsequent to sale computed from delinquency, rate.....	188	333
land, listed and valued apart from personal property and improvements.....	2	241
adjoining tracts returned by same person .		
valued separately, assessed jointly.....	120	303
every tract of land valued and assessed separately	120	303
several lots or tracts used for one building or purpose may be taxed as one property..	120	303
license tax, of corporations.....	70A	273
of foreign corporation.....	70B	273
auditor of state annually notify corporations liable to tax.....	70D	274
contents of notice.....	70D	274
failing to pay forfeits right to do business	70C	274
how relieved from forfeiture of charter or right to do business.....	70E	274
auditor pay to treasurer receipts from tax..	70E	274
treasurer give auditor receipts showing amount of money and source from which derived.....	70E	274
auditor publish list of corporations forfeiting charters or right to do business.....	70E	274
fees of license tax are additional to others provided by law.....	70E	274

REVENUE—Continued.	Sec.	Page.
lien, of taxes on merchandise extend to changes of stock.....	136	308
upon personal property continues until paid.	132	307
manufacturer, list and average property for fiscal year as basis for taxation.....	51	260
mines, assessor compute gross proceeds of mine bearing valuable metals for preceding year to ascertain value.....	82	279
consider location in determining value of mines of other than valuable metals	82	280
list non-producing mining claim, locality	82	280
bearing valuable metals and possessory rights therein taxed according to value....	82	279
collection of taxes on contiguous mining claims situated in more than one county...	232	349
contiguous mining claims worked by same shaft or means assessed in one body.....	120	303
corporations owning mines bearing valuable metals taxed in same manner as individuals	82	279
county clerk annually procure and keep as record list of lands and mineral claims en- tered in land office.....	85	281
county commissioners allow expenses of clerk in obtaining list.....	85	281
description of mining claims for purposes of taxation.....	83	281
listed for assessment by name, district and number	47	258
possession of unpatented claim subject of assessment	83	280
property owned by mining corporation rep- resents value of capital stock for purposes of taxation.....	82	280
quarries and mines of other than valuable metals taxed like other property.....	82	280
sale of group of mining claims for delin- quent taxes when situated in more than one county.....	232	349
surface improvements and machinery on mining claim valued separately for taxation	82	280

INDEX.

579

REVENUE—Continued.

Sec.

Page.

mines—continued.

tunnel and mines discovered therein deemed		
real estate for purposes of taxation.....	230	349
situated in two or more counties, how		
taxed	230	349
unpatented mining claim sold for taxes		
passes title to purchaser.....	83	281
minor, insane or idiot, bring suit for recovery		
of land sold for taxes one year after removal		
of disability.....	187	332
moneys, credits and money invested in merchandise listed and averaged each month as basis for taxation.....	51	260
moneys of non-residents loaned and invested subject to taxation.....	16	244
mortgages, notes, contracts and property assessed as a unit.....	14	244
national banking associations, assessors conform with amended acts of congress affecting..	209	341
municipal authorities levy and assess stock as upon other capital.....	207	340
officers of national banks, banking associations and trust companies make assessor sworn statement of condition and value....	210	341
real estate taxed as other real estate.....	207	340
shares of capital stock valued as personal property and assessed where association is located.....	207	340
oath, assessor, treasurer, county clerk administrator	9	242
deputy assessor, treasurer or county clerk..	9	242
officer failing to perform duties imposed by law guilty of misdemeanor.....	7	242
omissions, errors or defects in form in assessment list or tax roll corrected by assessor or treasurer	175	323
property omitted in assessment inserted in roll and arrearages charged.....	125	305
from tax list subject to assessment for back taxes.....	3	241
on payment or action to enforce mortgage, mortgagee may demand taxes paid with interest....	157	315

REVENUE—Continued.

	Sec.	Page.
palace and sleeping car companies file statement of capital stock and all properties and indebtedness	103	295
partnership, deemed to reside where business is carried on.....	48	259
each partner liable for whole tax against partnership	48	259
pawnbroker, annually return value of property pledged	211	341
penalties and interest distributed between state, county and municipality	12	243
penalty, for assessor not computing tax at rate fixed, recovered by action of debt.....	221	346
for description of lands added to taxes due and collected for general fund.....	164	319
two or more tracts sold jointly counted as one in computing penalty.....	164	319
for failure to pay first installment of taxes..	11	243
personal property, listed apart from land.....	2	241
definition of.....	13	243
cars and intangible rights and properties of express, palace or sleeping car, fast freight and other car companies or persons assessed by state board is.....	225	347
tax notice shall specify valuation and tax levied upon.....	131	306
person demanding abatement because of indebtedness set down liabilities.....	55	264
property, includes both tangible and intangible..	14, 15	244
public funds, state or county treasurer not loan for private gain.....	5	241
fine for loaning out public funds collected by civil action.....	6	242
action brought in name of state.....	6	242
district attorney prosecute.....	6	242
penalty for using public funds for private gain	5	242
qualified ownership of property not affect right to taxation.....	14	244

INDEX.

581

REVENUE—Continued.

	Sec.	Page.
railroad company, file with clerk of state board of assessors financial statement and all property, real and personal.....	97	292
miles and value of telegraph and telephone wire controlled.....	97	292
miles covered over their lines by cars owned by other parties.....	105	296
number and value of shares of capital stock outstanding	97	292
rate of taxation, four mills on the dollar levied for state purposes when no lower rate is prescribed	126	305
county clerk failing to receive statement from state board of equalization make rate of tax same as previous year.....	221	346
shall not exceed limit of constitution.....	221	346
real estate, definition of.....	13	243
of railway, telegraph, telephone or palace car companies not used for operation taxed in usual manner.....	38A	284
redemption, any person may within six years claim land sold to county by paying amount due upon certificate with interest.....	166	320
books of record determine amount due on unredeemed lands.....	197	337
certificate and record prima facie evidence of redemption.....	195	337
form of certificate, fee.....	194	335, 336
fee of county clerk for recording certificate of redemption.....	196	337
improvements, person recovering land sold for taxes pay value of, and taxes with interest	187	332
commissioners appoint three disinterested persons to appraise improvements	197	338
limit of value on redeemed lands..	197	338
jury determine value of improvements on land recovered after tax sale.....	187	332
lands of idiots or insane persons redeemable one year after disability removed or after death.....	189	333
minors any time before of age and within one year thereafter.....	189	333

REVENUE—Continued.

	Sec.	Page.
redemption—continued.		
lien holder may redeem from tax sale.....	193	334
minor, idiot or insane person redeem after deed issued, by paying all costs and im- provements	197	337
of street railway from sale for taxes on franchise	287	351
printers fees paid before redemption.....	182	329
real property redeemed as provided by law save interest shall be amount fixed at sale and specified in certificate of purchase....	173	323
three years from sale or before execu- tion of deed.....	188	333
treasurer give certificate of redemption....	197	338
issue and record certificate of redemp- tion	190	334
for proportional interest of land owned in severalty, record.....	191	334
endorse on certificate the por- tion of land redeemed and amount paid.....	199	338
may include more than one tract in one certificate of redemption.....	194	335
pay redemption money to purchaser or his assigns on receipt of duly executed and acknowledged quit claim deed....	198	338
record amount paid for redemption of land	172	322
take receipt for redemption money paid each person.....	199	338
undivided estates, assessed, advertised, sold, redeemed same as entireties.....	192	334
undivided interests redeemed for ratable share	72	275
person may redeem his interest in undivided estate.....	193	334
treasurer issue certificate of re- demption for proportionate inter- est of undivided estate.....	193	335
wire and appurtenances of telegraph or tele- phone company in same manner as lands.	226	347

INDEX.

583

REVENUE—Continued.

	Sec.	Page.
repeal of revenue laws not affect pending proceedings	239	356
returns, assessor or county treasurer require additional	60	266
failure of owner to make return of property nor any other irregularity shall affect legality of tax.....	79	278
husband may return taxable property for wife	45	258
inhabitant making return of real estate shall describe same.....	47	258
party failing to make return to assessor punished as for contempt.....	64	269
person holding property in trust liable for failure to list property or pay taxes.....	78	278
return blanks sworn to when holding no assessable property.....	74	276
wife may return taxable property for husband	45	258
rolling stock of railway corporations found elsewhere than upon road distrained and sold as personal property	223	346
pass with road at sale for taxes.....	224	347
sales, all lands and buildings, fixtures and improvements thereon subject to sale for non-payment of taxes.....	158	316
amount for which lands are bid in by county draw interest fixed by law.....	173	322
bidder failing to pay after sale closed, treasurer may recover by civil action.....	174	323
re-advertise and offer land again.....	174	323
certify copy and deposit with county clerk as record of tax sales.....	172	322
county commissioners allow treasurer compensation for record of tax sales.....	172	322
fix price upon land bid in by county.....	179	327
county making erroneous sale of lands liable to owner for expense or damage.....	85	281
return principal and interest.....	201	339
county treasurer begin and continue sale from day to day.....	166	319
if no bid for tract offered, treasurer pass and re-offer day by day.....	166	320

REVENUE—Continued.

	Sec.	Page.
sales—continued.		
form of publisher or printer's affidavit.....	162	318
printer transmit within fourteen days after last publication or receive no pay, penalty.....	162	318
give notice of time and place of sale of lands for taxes, form.....	159	316
publish and post notice.....	160	318
sell on subsequent day any prop- erty not advertised and offered at regular time.....	168	320
supplementary publication made in same manner as original.....	175	323
sale for taxes not void if notice of sale not given at prescribed time.	159	316
in advertisements and entries for sale of real property for taxes abbreviations may be used	171	321
lands sold to person accepting lowest rate of interest on amount paid.....	173	322
list and describe lands subject to sale for taxes	159	316
lists of land sold for taxes prima facie evi- dence when recorded.....	8	242
make affidavit of publishing or posting of list and notice of sale for taxes.....	161	318
note sale in tax list opposite description.....	172	322
not invalid if charged to other than owner if sufficiently described to identify it.....	170	321
purchaser of land struck off to county, same privileges as though original pur- chaser	166	320
of personal property of express or other car companies at tax sale enter into immediate possession.....	225	347
serve notice of purchaser on person in possession and on person against whom land was taxed, contents.....	180	328
railroad, telegraph, telephone, ditch, etc., companies sold en masse for taxes.....	231	349

INDEX.

585

REVENUE—Continued.

	Sec.	Page.
sales—continued.		
record amount of taxes, interest, penalties and costs at time of sale.....	172	321
assignment of tracts sold for taxes.....	172	322
date of sale for taxes.....	172	321
description of each tract of land or town lot sold for taxes.....	172	321
name of persons redeeming lands sold for taxes.....	172	322
to whom lands sold for taxes are conveyed and date of deed.....	172	322
purchaser of each tract sold for taxes.	172	321
require cash for lands sold for delinquent taxes	169	321
strike off unsold lands to county.....	166	320
time and place of sale of lands for taxes.....	167	320
two or more tracts valued as one, treasurer sell as one	166	320
undivided interest in property of corporation	231	349
unless lower rate is offered amount paid for lands sold draw interest fixed by law.....	173	322
schedule, assessor assess property of person re- turning imperfect.....	74	276
endorse, file and retain schedules of tax- able property.....	77	278
examine, under oath, party making schedule	46	268
forfeit twenty-five dollars for each im- perfect schedule accepted.....	71	275
report return of imperfect schedule to district attorney.....	74	276
require return of each item of schedule of taxable property.....	54	263
auditor prescribe form of schedule of tax- able property.....	54	263
print and transmit schedule to assess- ors, contents	54	263
contents of schedule of taxable property....	54	263
corporation annually deliver to assessor of county where principal office is kept full schedule of property.....	70	272

REVENUE—Continued.

Sec.

Page.

sales—continued.

county commissioners collect penalty for assessor accepting imperfect schedule by suit on official bond.....	71	275
print schedule for assessor.....	54	263
recover penalty for returning imperfect schedule to assessor.....	74	276
ditch or canal company make schedule for taxation	233	350
inhabitant deliver to assessor schedule of personal property.....	45	257
interrogatories for making schedule for assessment	53	260
oath subjoined for assessment.....	53	262
party making return of property not specifically enumerated in schedule give details to assessor.....	58	266
schedule answer each and every interrogatory	57	265
person making schedule of taxation may deduct debts.....	55	264
returning imperfect schedule guilty of misdemeanor	74	276
street railway company give description of grant, with franchises, in schedule for taxation	235	350
state board of assessors, assessors elect thirteen of their number for state board of assessors....	88	284
organize immediately upon election.....	88A	284
assess what property.....	96	291
property owned, used or controlled by railway, telegraph, telephone, sleeping or other palace car companies	88A	284
express, palace and sleeping car and fast freight companies in proportion as mileage within state is to total mileage	108	298
railway, telegraph and telephone companies in proportion to value of plant and mileage within state.....	108	298
corporation owning or controlling.	109	298

INDEX.

587

REVENUE—Continued.

	Sec.	Page.
state board of assessors—continued.		
auditor provide place to meet.....	88	283
clerk of state board of equalization act as		
clerk of state board of assessors.....	110	299
compensation of members.....	88	284
auditor draw warrants for.....	89	287
corporation failing to return or make false		
return, board assess and add thirty per		
cent. to value determined.....	106	297
determine value of plant and business and		
proportionate mileage within state of ex-		
press, sleeping and palace car and fast		
freight companies.....	108	298
mileage of railway, telegraph and tele-		
phone companies.....	108	297
of property and mileage in state and		
each county for each car company,		
firm or individual.....	107	297
make deductions in assessment of property		
of express, palace and sleeping car and fast		
freight companies.....	108	298
permit corporation or taxpayer to appear		
and give information.....	110	299
transmit to county clerk a statement of		
amount to be assessed against each ex-		
press and fast freight company.....	111	299
length of main track of railway, miles		
of wire of telegraph and telephone		
companies, and assessed value per		
mile of each.....	111	299
state board of equalization, bring proceedings		
against assessor.....	90	288
set aside assessment.....	90	288
require new assessment.....	90	288
corporation, company or individual or		
board of county commissioners may file		
complaint of erroneous assessment with		
governor	88B	285
dispatch messenger to obtain abstract.....	116	302
may alter abstract.....	114	301

REVENUE—Continued.

Sec.

Page.

state board of equalization—continued.

governor call meeting of state board of

equalization to hear complaints, notice..... 88B 285

secretary serve notice of complaints

and hearings upon county commis-

sioners and parties directly affected... 88B 285

county commissioners direct that

county present evidence and ar-

gument 88B 285

hearing, hear evidence, compel attendance

of witnesses and production of necessary

books and papers..... 88B 285

adjourn from day to day..... 88B 286

consolidate like complaints..... 88B 287

make changes in assessment..... 88B 286

changes certified to county clerks. 88B 287

take place of original assess-

ment 88B 287

refusing to alter, decision of

state board of assessors then

final 88B 286

costs charged to party com-

plaining 88B 286

decision, render decision in writing and

transmit copy to all parties interested 88B 286

filed with secretary of state.. 88B 286

signed and attested by ma-

jority of board..... 88B 286

final and conclusive upon all par-

ties 88B 286

appeal of assessor from decision

heard summarily..... 90 288

meet at executive office annually to equalize

assessments of counties..... 218 345

complete equalization and auditor trans-

mit statement of changes and rate

of tax to clerk of each county..... 221 345

correct errors in their assessment..... 220 345

increase or decrease aggregate valua-

tion 219 345

INDEX.

589

REVENUE—Continued.

	Sec.	Page.
state license for sale of liquors, be conspicuously exposed	20	246
county or municipal authorities not grant license until state license is obtained.....	20	246
district attorney prosecute violations of revenue law.....	21	246
issued by treasurer of state.....	20	246
peace officer make complaint for violation of law for obtaining license for selling liquors	21	246
see that license for selling liquors is obtained	20	246
person, company or corporation selling liquors pay additional license fee to state..	20	246
without state license subject to fine.....	21	246
provisions of license.....	20	246
selling without license a second time forfeits right to operate.....	21	247
state treasurer collect license fee of \$25.....	20	246
transferable	20	246
statement of indebtedness, assessor file and preserve	56	265
form	56	264
assessor not exhibit unless required by grand jury or court.....	56	265
violating section guilty of misdemeanor	56	265
state treasurer, not accept tax warrant for less than amount due.....	5	241
notify district attorney of county treasurer wilfully withholding money.....	148	312
subsequent taxes, county clerk enter payment of in tax sales.....	178	326
fee for entering in record.....	178	326
county treasurer give receipt for taxes and interest	166	320
leave columns for amount paid and date of payment.....	172	321
endorse amount and date of payment on certificate and book of tax sales.....	178	326
on land purchased by county not payable until derived by county from sale or redemption	166	320

REVENUE—Continued.	Sec.	Page.
tax deed, action for recovery of land sold for taxes brought within five years after execution of deed.....	187	332
contents of notice purchaser must serve upon person in possession and on person against whom land was taxed.....	180	328
county clerk enter name of grantee in proper record when tax deed is filed.....	186	332
evidence that grantee was purchaser or his legal representative.....	184	332
prima facie of rights of purchaser. that property was advertised according to law	184	332
listed and assessed according to law	184	331
not redeemed.....	184	331
sold for taxes.....	184	332
subject to taxation for years stated that sale was conducted as required by law	184	332
that taxes were levied according to law not paid before sale.....	184	331
fees of county treasurer for deeds and acknowledgment	179	327
form of.....	183	329
how executed.....	184	331
penalty for false swearing regarding notice of application for.....	181	329
purchaser or assignee make affidavit of having complied with requirements for application for deed.....	181	328
deliver affidavit to person executing deed	181	329
record prima facie evidence of notice of application	181	329
purchaser publish notice of application for deed if no one found in possession and no one having interest be found.....	180	328
recorded tax deed vests title in purchaser...	184	331
successor in office of treasurer execute deed.	185	332

INDEX.

591

REVENUE—Continued.	Sec.	Page.
taxes, levied for fiscal year.....	3	241
for support of the government.....	1	241
how paid, fees and taxes with penalties and costs payable in cash.....	123	306
taxes levied, perpetual lien upon real estate.	3	241
when paid, one-half in February, one-half in July	10	242
who pay, grantor or grantee pay taxes when mortgagee may pay or redeem at tax sale if mortgagor neglects so to do....	156	315
with interest paid by mortgagee included in judgment rendered on mortgage	157	316
lien on land until paid.....	157	316
principal refusing to pay agent pay from money in possession.....	165	319
tax list and warrant, assessor deliver tax list and warrant to treasurer when.....	121	303
contents	121	303
form delivered to county treasurer by assessor	121	304
owner receipt interest allowed by state treasurer	203	339
tax notice sent upon request to person claiming interest in real property upon which a lien for taxes exists	131	306
telegraph or telephone companies furnish sworn statement to state board of assessors of miles of wire owned or operated, number of instruments, gross and net earnings, cost of operation, maintenance and improvements, value of property, capital stock and indebtedness.....	99	293
set forth same items of line outside the state...	101	294
treasurer's receipt for taxes endorsed by assessor prima facie evidence of payment.....	123	306
undivided interests, assessed, advertised, sold, and redeemed in same manner as entireties.....	72	276
interest of lien holder on undivided estate...	192	334
person specify in list his interest.....	192	334
same as entireties.....	72	276

REVENUE—Continued.

	Sec.	Page.
unincorporated companies operating line of telegraph or telephone for profit return same statement as corporation.....	100	294
unincorporated railway associations, return same matters as those incorporated.....	98	293
valuation, assessor average moneys, merchandise or manufactures for fiscal year to determine tax levy.....	50	259
full cash value given of all property returned to assessor.....	45	257
of property held in pledge.....	211	342
market value a guide to determine value of taxable property.....	62	267
of land and personal property for taxation..	2	241
person listing credits give average value of notes, bonds, debentures, book accounts, etc.	52	260
price at voluntary sale or value of use considered as basis for taxation.....	62	267
property assessed at full cash value if mode of assessment is declared unconstitutional..	240	356
assessed each year at full cash value...	2	241

RIGHT OF WAY—

See irrigation districts; state canal No. 3.		
foreign railroad company may exercise right of eminent domain for.....	1	126
may be taxed at additional rate of two mills.....	3	96
not exempted from taxation at full cash value....	2	96
transmission lines obtain by right of eminent domain	2	132

RIO BLANCO COUNTY—

in fifth class for regulating salaries of officers....	1	132
twenty-first senatorial district.....	3	22
number of representatives.....	5	23

RIO GRANDE COUNTY—

in fifteenth senatorial district.....	3	21
fourth class division "B" for regulating salaries of officers	1	181
number of representatives.....	5	23
terms of district court.....	1	150

INDEX.

593

ROLLING STOCK—

See revenue.

Sec.

Page.

ROUND-UP COMMISSIONER—

See stock.

give bill of sale with description and price paid

for maverick 1 377

prescribe time, place and rules for selling mav-

ericks 1 377

ROUND-UP DISTRICT NO. 28—

See stock.

how constituted..... 1 376

ROUTT COUNTY—

in fifth class for regulating salaries of officers.... 1 182

thirteenth senatorial district..... 3 21

number of representatives..... 5 23

state fish hatchery located in..... 1 184

ROUTT COUNTY HATCHERY—

See fish.

RULES—

for selling mavericks prescribed by round-up

commissioners 1 377

governing controversies of political parties, state

convention provide..... 1 169

of irrigation districts printed for distribution..... 9 205

S

SAGUACHE COUNTY—

in fifteenth senatorial district..... 3 21

in fourth class, division "B," for regulating sal-

aries of officers..... 1 181

number of representatives..... 5 23

terms of district court..... 1 150

SALARIES—	Sec.	Page.
not included in term credit for taxation.....	13	243
of board of directors and officers of irrigation districts	25	216
county officers.....	2	113

SALARY—		
city council of city of second class fix monthly, of officers holding for unexpired term.....	.. 1	335
of assessor, county commissioners retain for certificate of auditor.....	116	302
assistant in charge of Routt county hatchery	6	185
appropriation for.....	7	185
mayor of cities of first class.....	1	331
officers of city and county of Denver.....	2	99

SALES—

See revenue.

SALES, H. N.—

appropriation for, serving as secretary of senate..	1	60
---	---	----

SANBORN, C. W.—

appropriation for service as member of Colorado Paris Exposition commission.....	1	71
--	---	----

SANITARY SEWERS—

See sewers.

SAN JUAN COUNTY—

in eighteenth senatorial district.....	3	22
fourth class, division "B," for regulating salaries of officers.....	1	181
number of representatives.....	5	23
terms of district court.....	1	152

SAN MIGUEL COUNTY—

appropriation for moneys advanced for use of Colorado Paris Exposition commission.....	1	71
in fourth class, division "A," for regulating salaries of officers.....	1	181
in seventeenth senatorial district.....	3	22
number of representatives.....	5	23

INDEX.

595

SCALES—

	Sec.	Page.
owners of coal mines keep.....	1	235
inspector of weights and measures test, at mines	1	235
state inspector of mines test.....	1	236

SCHEDULE—

See revenue.

SCHOOL BOARDS—

provide for teaching of branches specified.....	1	362
Spanish and German languages and gymnastics	1	362

SCHOOL BUILDINGS—

exempt from taxation.....	17	245
---------------------------	----	-----

SCHOOL DISTRICTS—

See city and county of Denver; school district No. 1.		
annexation to district No. 1.....	7	105
consolidated in city and county of Denver.....	7	105
county commissioners declare amount assessed against railway, telegraph or telephone compa- nies for.....	112	300
against express, fast freight, palace or sleep- ing car company for.....	112	300
indebtedness, when annexed to district No. 1, how paid.....	7	106
may unite to establish and maintain one truancy school	12	368

SCHOOL DISTRICT NO. 1—

See city and county of Denver; school districts.		
annexation of districts to.....	7	105
governed by general school laws of state.....	7	105
how composed, board of education.....	7	105
own all property of annexed school districts, as- sume all obligations.....	7	105

SCHOOL FOR DEAF AND BLIND—	Sec.	Page.
appropriation for.....	1	61
purchase additional land.....	1	61
board of trustees control expenditure of appro- priation	2	62
not contract indebtedness beyond appropria- tion	1	62
president sign and secretary countersign vouchers	2	62
SCHOOL FUND—		
penalty for non-publication of official reports in- ure to.....	1	240
treasurer of Arapahoe county pay over, to Adams county	7	125
South Arapahoe county.....	9	140
SCHOOL OF MINES—		
See state school of mines.		
SCHOOLS—		
See parental or truant schools.		
SEAL—		
of city and county of Denver.....	1	98
SEALED PROPOSALS—		
See irrigation districts.		
SECRETARY—		
of state board of equalization act as secretary of, state auditing board, compensation.....	4, 3	32, 42
SECRETARY OF STATE—		
advertise, take bids, purchase and furnish supplies	4	33
attest seal of state to deed for land for public building in Colorado Springs.....	1	398
bring action against corporation, joint stock company or association for failure to pay fees..	3	118
foreign corporation, joint stock company or association for fees on increase of capital stock	5	119

INDEX.

597

SECRETARY OF STATE—Continued.	Sec.	Page.
fee for filing certificate of paid-up stock and of impression of corporate seal.....	9	120
copy of general laws of foreign state or territory	6	120
foreign railroad company filing intention to build road.....	2	128
give certificate of full payment of fees and taxes to corporation, joint stock company or association, fee.....	10	121
not file certificate of incorporation until fee paid..	1	117
amendment of articles of incorporation.....	2	118
of paid up stock, impression of corporate seal or annual report unless articles of incorporation are on file and fees paid.....	8	120
preserve office records concerning constitutional amendment of city and county of Denver and publish in session laws.....	3	168
print official reports.....	1	239
publish annual report of state bureau of child and animal protection.....	5	191
purchasing agent of state.....	4	33
record report of commissioner appointed to assist in determining the southern boundary of the state.....	4	80
transmit copies of act requesting call for constitutional convention.....	3	116
SECURITIES—		
non-taxable exhibited upon order of assessor....	60	267
SEDGWICK COUNTY—		
in fifth class for regulating salaries of officers....	1	182
twelfth senatorial district.....	3	21
number of representatives.....	5	23
SEMI-MONTHLY PAY DAY—		
corporations except railroads provide.....	1	128
applies to independent contractors.....	6	130
attorney general bring suit for wilful violation	8	130
penalty for failure to comply with.....	2	129
recognized in provisions of corporations hereafter organized.....	8	130

SENATE—	Sec.	Page.
consist of thirty-five members.....	1	20
how constituted.....	1	20
SENATORIAL DISTRICTS—		
See apportionment.		
Adams county attached to Arapahoe county for..	12	137
SENATORS—		
how apportioned.....	2	20
removal	4	22
vacancy in office.....	4	22
SENTENCE—		
See revenue.		
governor or court may prolong time between, and infliction of death penalty.....	3	154
SEWERS—		
See sub-district storm sewer.		
may be combined and constructed and costs as- sessed in proportion to benefits.....	6, 7	390, 391
excess paid from general fund.....	5, 6	390
costs of assessed by ordinance.....	5	390
SHARES—		
officers of banking associations give assessor list	208	340
SHERIFF—		
See revenue.		
compensation for services in executing death pen- alty	10	157
deliver convicted person and warrant of convic- tion to warden of state penitentiary.....	5	155
deputy serve in case of disability.....	7	156
witness execution, file certified copy of record of execution with clerk of court of convic- tion	7	156
see that persons selling liquors has secured state license	20	246
time of election changed, and term of office ex- tended	2	113

INDEX.**599****SHIPPING—****Sec.****Page.**

farm produce into state to ship out..... 1 19

SHIPPING BILL—

show where farm produce was raised..... 2 19

SHIP SUBSIDY BILL—

memorial urging rejection of..... 404

SIDE TRACK—

See revenue.
proceedings to condemn land for..... 1 174

SITE—

donation of forty acres for, of state normal
school at Gunnison..... 1 375
appropriation for improving..... 3 375
for branch state fish hatchery in Routt county
state fish commissioner select when..... 2 184
appropriation to purchase..... 1 184
purchased for parental or truant schools..... 2 365

SIXTH JUDICIAL DISTRICT—

terms of court..... 1 151

SLEEPING CAR COMPANIES—

See revenue.

SMELTERS—

constitutional amendment for eight hour day in.. 1 109

SOLDIERS' AND SAILORS' HOME—

appropriation for..... 1 64
indebtedness not authorized in excess of appro-
priation 2 64

SOLITARY CONFINEMENT—

convict kept in, until infliction of penalty..... 5 155

SOUTH ARAPAHOE COUNTY—

	Sec.	Page.
act creating take effect when.....	15	143
boundaries of, established.....	1	138
commissioners of, and Arapahoe county meet to adjust revenues and indebtedness, where, when, notice, quorum.....	11	141
county or person aggrieved may appeal from decisions of commissioners.....	11	141
cost of transcribing records of, for Arapahoe county	12	142
county and precinct officers within boundaries become legal officers of.....	3	139
county seat established at Littleton.....	2	139
expense of arbitration between, and Arapahoe county shared equally.....	11	142
fourth class for fixing fees and salaries.....	13	142
governor appoint officers for.....	3	139
referee to adjust matters of revenue and funds	11	141
indebtedness of Arapahoe county apportioned....	9	140
in normal district No. 3.....	14	143
moneys in treasury of Arapahoe county appor- tioned	9	140
part of first congressional, senatorial and judicial districts	14	143
pending suits and proceedings transferred from Arapahoe to.....	5	139
real and personal property of Arapahoe county appraised and apportioned.....	8	140
terms of county court.....	6	140
terms of district court.....	4	139
transcripts of records of property in county.....	12	142
treasurer of Arapahoe county pay over to treas- urer moneys belonging to its school districts....	9	140
with Arapahoe county constitutes a district for election of representatives.....	14	143

SPANISH LANGUAGE—

upon demand school board provide for teaching..	1	362
---	---	-----

SPANISH WAR—

medals given to those who served in, declared official	1	224
---	---	-----

INDEX.

601

SPECIAL ADVANTAGES—	Sec.	Page.
included in term intangible property, for taxation	13	244
SPECIAL ASSESSMENT—		
for improvement or repair of irrigation districts submitted to electors.....	9	206
SPECIAL ASSESSMENTS—		
See towns and cities.		
county commissioners publish proceedings relating to rebate of.....	1	147
of cost of street intersections, how accomplished.	2	389
SPECIAL ELECTION—		
city council of Denver call to choose aldermen for each new ward of annexed territory.....	1	165
ordinance for, of charter convention members fix time and place of meeting, compensation of members, and time of voting upon charter.....	4	102
SPECIAL MEETING—		
mayor of city of first class upon request of three aldermen shall call, of council.....	6	383
SPECIAL PRIVILEGES—		
See revenue.		
SPECIAL PROCEEDINGS—		
pending in twelfth judicial district held as by prior law.....	2	150
STATE—		
See revenue.		
canal, ditch, reservoirs and feeders of state canal No. 3 are property of.....	4	370
faith and credit pledged for payments of principal and interest of indebtedness for material and labor for capitol.....	2	87
reserve jurisdiction over land ceded to United States for public building in Colorado Springs..	1	393
retain jurisdiction over foreign railroads.....	2	126

STATE AGRICULTURAL COLLEGE—		Sec.	Page.
See state board of agriculture.			
appropriation for.....	1		65
STATE AUDITING BOARD—			
advertise, take bids, purchase and furnish supplies	3		43
allow requisitions of executive and judicial departments	4, 3		32, 43
control contingent fund.....	4, 3		32, 42
furnish secretary of state orders for supplies and printing allowed.....	4, 3		33, 43
membership, meetings, officers.....	4, 3		32, 42
purchasing agent of state.....	3		43
STATE BOARD OF AGRICULTURE—			
control funds appropriated for the state agricultural college.....	2		65
decide upon plans and specifications for building and improvements at state agricultural college.	3		65
STATE BOARD OF ASSESSORS—			
See revenue.			
STATE BOARD OF CHARITIES AND CORRECTIONS—			
See eleemosynary institutions.			
inquire into complaints of conduct and management of private eleemosynary institutions.....	1		87
make investigation of condition and management	2		88
report to governor with findings and recommendations	4		88
secretary notify officers of complaint and give notice of time for a hearing.....	3		88
send for persons or papers and administer oaths and affirmations.....	2		88
require reports from and issue licenses to.....	1		87
without fee.....	5		88
revoke license for failing to file annual report....	5		88
STATE BOARD OF EQUALIZATION—			
See revenue.			

INDEX.

603

STATE BOARD OF HEALTH—

	Sec.	Page.
appropriation for contingent expenses, etc.....	1	59
suppression of epidemic.....	1	58
president and secretary certify vouchers.....	1	58, 59

STATE BOARD OF HORTICULTURE—

appropriation for.....	1	47
president certify and secretary attest vouchers of	3	48

STATE BOARD OF LAND COMMISSIONERS—

See forestry.

bring suit against railroad company for damage to forest trees.....	14	189
employ deputy appraisers, compensation.....	15	189
make no defense to injunction proceedings by protesting water users except at cost of ap- plicant	7	187

STATE BOARD OF LIBRARY COMMISSIONERS—

appropriation for.....	1	54
vouchers certified by president and secretary	1	54

STATE BOARD OF MEDICAL EXAMINERS—

relief appropriation for.....	1	27
-------------------------------	---	----

STATE BUREAU OF CHILD AND ANIMAL PRO- TECTION—

See humane society.

established	1	191
annual meeting.....	4	191
annual report, contents, size, secretary of state publish, number, distribution.....	5-6	191
appropriation for.....	1	24
president certify vouchers for.....	1	24
duties, powers.....	3	191
governor, superintendent of public instruc- tion and attorney general, members of board of directors of.....	2	191
organize district and county societies.....	3	191

STATE CANAL NO. 3—	Sec.	Page.
appropriation for construction paid only on order of board.....	24	374
board of control, creation, membership, residence, appointment, term, removal, organization.....	1	369
compensation	10	371
acquire right of way and necessary locations for reservoirs.....	3	370
advertise for bids and let by contract work that can be done cheaper than with convicts	3	370
appoint superintendent and other necessary help	14	372
compensation	23	374
commence and direct work, purchase machinery, supplies and tools.....	23	374
compute cost including certificates of indebtedness at face value.....	5	370
of operation and maintenance year by year	17	373
contract with railroad for transportation of convicts, guards and materials.....	17	373
file bond with secretary of state.....	7	371
general direction of work.....	1	369
issue order approved by state engineer and governor for certificates of indebtedness..	2	369
certificates of indebtedness no claim against state except as to funds received or appropriated for.....	12	372
proceeds from sale of perpetual water rights paid into state treasury and applied on.....	12	372
receipts of board of control of state canal No. 3 convertible into.....	20	373
state treasurer and governor countersign	13	372
used to pay for contracts.....	12	372
lease water for value and cost of maintenance and repairs.....	14	372
receive bids for furnishing materials for executing work.....	22	374
	7	371

INDEX.

605

STATE CANAL NO. 2—Continued.

	Sec.	Page.
board of control—continued.		
receive subscriptions of money, labor, tools, supplies from persons owning property on line of canal, issue receipts.....	13	372
recommend person for deputy to control con- victs employed.....	9	371
select general superintendent of construction	11	371
compensation	11	371
canal, ditch, reservoirs and feeders property of state	4	370
convicts, penitentiary commissioners furnish for work on.....	5	370
clothing supplied from maintenance fund of penitentiary and reformatory.....	8	371
full quota be kept employed on.....	6	371
returned at completion of.....	15	372
warden of penitentiary appoint deputy to take charge of.....	9	371
compensation	9	371
engineer survey, locate and lay out.....	2	369
perpetual water rights, board of control assign water in ratable proportion and fix price of.....	19	373
basis of calculation of value of.....	18	373
provide for annual and special assessments for maintenance, operation and extraor- dinary repairs.....	21	374
sell under rules approved by governor..	16	373
revenue from turned into state treasury.....	4	370
state engineer approve order for certificates of in- debtedness for work and materials.....	12	372
survey, locate and lay out.....	2	369

STATE CAPITOL BUILDING—

appropriation for furniture, carpets and fixtures..	1	84
maintenance, building and grounds.....	1	86
part maintenance and support of building and grounds.....	1	85
certificates of indebtedness for furnishings.....	2	84
improvements of.....	2	83
material and labor for.....	2	86
treasurer advertise readiness to pay certificates of indebtedness for improvements on, interest cease	3	83

STATE CENTRAL COMMITTEE—	Sec.	Page.
of political party control party controversies.....	1	169
roll of membership of filed with secretary of state.	2	169
STATE CONVENTION—		
of political party make rules governing contro- versies	1	169
STATE ENGINEER—		
See state canal No. 3.		
give notice to owner of ditch, canal, flume or reservoir to erect headgate.....	1, 2	193, 194
have control of headgates and measuring weirs...	5	195
make survey of contour lines of reservoir situate on natural stream	6	195
table of capacity of reservoir on natural stream, place gauge rod, failure, not de- liver water.....	6	195
number of reports published.....	1	239
STATE FISH COMMISSIONER—		
adopt plans and supervise construction of branch fish hatchery.....	5	185
select site for branch state fish hatchery in Routt county.....	1, 2	184
STATE FISH HATCHERY—		
See Routt county hatchery; state fish commis- sioner.		
appropriation to purchase site, erect and stock..	1	184
construction of, cost not exceed appropriation....	4	184
STATE HOME FOR DEPENDENT AND NEGLECT- ED CHILDREN—		
appropriation for.....	1	46
board of control direct expenditure of appro- priation therefor.....	1	46
STATE INDUSTRIAL SCHOOL—		
appropriation for.....	1	48
board of control and superintendent certify vouchers	2	49
not incur indebtedness.....	1	49
cash receipts appropriated to its use.....	1	49

INDEX.

607

STATE INDUSTRIAL SCHOOL FOR GIRLS—	Sec.	Page.
appropriation for.....	1	49
board of control expend appropriation.....	4	50
draw vouchers for state industrial school....	4	50
not contract indebtedness in excess of appro- priation	4	50
président and secretary sign vouchers.....	4	50
buildings	1	49
furnishing	1	50

STATE INSANE ASYLUM—

See state board lunacy commissioners.		
appropriations for.....	1	51
fire escapes.....	3	52
insurance	5	53
laundry	2	52
maintenance	1, 6	51, 53
not contract indebtedness in excess of appropri- ation	7	53
repairs	4	53
superintendent, with board of lunacy commis- sioners, direct expenditure of appropriation for state insane asylum.....	8	54

STATE INSPECTOR OF MINES—

test scales and measures at coal mines in coun- ties having no inspector.....	1	236
--	---	-----

STATE INSTITUTIONS—

board of St. Louis World's Fair managers call upon, for collections or articles of interest.....	8	360
county treasurer collect and receipt taxes for....	152	314
combined under one head.....	124	305
proceedings to condemn property for site of.....	1	175

STATE LANDS—

not leased for purpose that will destroy trees.....	9	188
right of way over, granted for canals of irrigation districts	24	216

STATE LICENSE—

Sec. Page.

See revenue.

STATEMENTS—

See revenue.

STATE NORMAL INSTITUTE FUND—

fees collected by county superintendent of schools		
constitutes	2	363
superintendent of public instruction apportion.....	3	364
use of each district's apportionment.....	3	364

STATE NORMAL SCHOOL—

appropriation for.....	1	66
building, furnishing, heating plant, lighting,		
ventilating	1	66
indebtedness not be increased in excess of appro-		
priation	2	67

STATE NORMAL SCHOOL AT GUNNISON—

established at Gunnison, purpose.....	1	375
appropriation for improving site.....	3	375
governor appoint trustees.....	2	375
duties and compensation.....	2	375

STATE PENITENTIARY—

See penitentiary.

STATE PRINTER—

penalty for not publishing official reports.....	1	240
--	---	-----

STATE REFORMATORY—

See reformatory.

STATE SCHOOL OF MINES—

appropriation for.....	1	63
heating appliances.....	1	63
hygienic appliances.....	1	63
not contract indebtedness in excess of appro-		
priation	2	63

INDEX.

609

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION—

	Sec.	Page.
apportion state normal institute fund, when.....	3	364
transmit sum accredited to proper custodian.	3	364
turn fees over to treasurer.....	2	363
county superintendent of schools collect fee for teachers' certificates and forward to.....	1	363
member of board of directors of state bureau of child and animal protection.....	2	191
number of reports published.....	1	239

STATE TREASURER—

See state canal No. 3.		
advertise readiness to pay certificates of indebtedness for capitol improvements.....	3	83
pay appropriation for board of St. Louis World's Fair managers upon proper requisition.....	12	361

STATE UNIVERSITY..

See university.

STATUTORY FEES—

bear same interest and penalties as original amount	188	333
---	-----	-----

STEAM—

cars operated by, provided with vestibules.....	1	379
---	---	-----

STEAMBOAT SPRINGS—

state fish hatchery located at....	2	184
------------------------------------	---	-----

ST. LOUIS WORLD'S FAIR—

See board of managers of St. Louis World's Fair.

STOCK—	Sec.	Page.
city, estrayed blooded or domestic, reclaimed within six months without costs.....	1	378
mavericks defined.....	1	377
identified treasurer refund money.....	1	377
proceeds of sale of, placed to credit of county school fund.....	1	377
round-up commissioners give bill of sale with description and price paid.....	1	377
round-up district No. 28 constituted.....	1	376
acts inconsistent with constituting re- pealed	2	376
 STOCK BRAND FUND—		
transferred to bounty fund.....	1	176
 STOCK CARS—		
owners return number of miles made.....	104	296
 STOCK HOLDERS—		
of corporation, joint stock company or associa- tion, liability for fees.....	3	118
 STOCKING—		
of branch state fish hatchery in Routt county, ap- propriation for.....	1	184
 STOCK YARDS—		
appropriation for at state agricultural college....	1	65
 STORM SEWERS—		
See sewers.		
 STREAM—		
board of directors of irrigation districts construct canal across.....	24	216
 STREET—		
See irrigation district; towns and cities.		
board of directors of irrigation districts construct canal across.....	24	216
cost of improvement of, assessed upon land in proportion to benefit.....	1	338

INDEX.

611

STREET COMMISSIONER—	Sec.	Page.
in cities of first class appointed by mayor with approval of council.....	2	332
STREET INTERSECTIONS—		
cost of improvement of, how assessed.....	2	339
excess of benefits from improvement of, paid from general fund.....	2	339
STREET RAILROADS—		
build vestibule to protect motorman.....	2	379
protect employes from inclemency of weather....	1	379
provide vestibule for head car.....	2	379
penalty for failing to provide vestibule.....	3	380
STREET RAILWAY COMPANIES—		
See revenue; street railroads.		
STRUCTURES—		
Included in term improvements for taxation.....	13	243
STUDENT LABOR—		
appropriation for at state agricultural college....	1	65
SUB-DISTRICT STORM SEWERS—		
See sewers.		
construction of, may be ordered.....	7	390
excess of benefits, paid from general fund.....	7	390
SUBSCRIPTIONS—		
board of control of state canal No. 3 authorized to receive from persons along route, issue re- ceipts for.....	13	372
SUBSEQUENT TAXES—		
See revenue.		
clerk enter payment of, in tax sales.....	178	326
SUCCESSOR—		
in office of treasurer execute deed.....	185	332

SUITS—	Sec.	Page.
See irrigation districts; revenue.		
board of directors of irrigation districts maintain.	12	208
county commissioners bring, to recover fine for refusing to aid treasurer.....	142	311
not affected by new revenue law.....	239	356
pertaining to Adams county transferred from Arapahoe county.....	5	134
Arapahoe to South Arapahoe county.....	5	139
SUMMIT COUNTY—		
in fifth class for regulating salaries of officers....	1	182
thirteenth senatorial district.....	3	21
number of representatives.....	5	22
SUPERINTENDENT—		
See parental or trust schools; state canal No. 3.		
not act as election judge or clerk.....	1	171
SUPERINTENDENT OF IRRIGATION—		
give notice to owner of ditch, canal, flume or res- ervoir to erect headgate.....	1, 2	193, 194
have control of headgates and measuring weirs..	5	195
not deliver water to owner of ditch refusing to erect headgate.....	1	193
SUPERINTENDENT OF POOR—		
chairman of county commissioners act as.....	5	146
SUPERINTENDENT OF PUBLIC INSTRUCTION—		
See state superintendent of public instruction.		
SUPPLIES—		
board of control of state canal No. 3, furnish.....	5	370
receive subscriptions of, from persons along route of state canal No. 3.....	13	372
for state offices purchased in quantities.....	4, 3	33, 43
of water in irrigation districts when insufficient..	27	217
supreme court may review judgment in cases of contempt	3	94

INDEX.

613

SURETIES—

Sec.

Page.

See revenue.

SURETY COMPANY—

may furnish bond of assessor..... 44 267

SURFACE IMPROVEMENTS—

on mining claim valued separately for taxation. 82 280

SURVEY—

See irrigation districts.

of state canal No. 3..... 2 369

SURVEY LOT--

number of, sufficient description for assessment of
non-patented claim..... 83 281

T

TALLY LISTS—

in irrigation districts not set aside for want of
form 7 203

TANGIBLE PROPERTY—

building and loan associations return..... 76 277

TANK CARS—

owners return number of miles made by..... 104 296

TARSNEY, THOMAS J.—

appropriation for relief of..... 1 70

TAX—

See inheritance tax; revenue.

TAXABLE PROPERTY—

See revenue.

TAXATION—

	Sec.	Page.
See inheritance tax; irrigation districts; revenue.		
for state purposes not exceed four mills.....	3	96
in Denver rate of fixed annually by city council..	4	102
land in Colorado Springs used for public building		
for United States exempt from.....	2	399
voters of county may once in four years exempt		
or refuse to exempt personal property and im-		
provements on land.....	2	95

TAX CERTIFICATE.

See revenue.

TAX DEED—

See revenue.

TAXES—

See district bond fund taxes; general fund tax;		
irrigation districts; revenue.		
county commissioners publish proceedings relat-		
ing to rebate of, detail.....	1	147

TAX LIST—

See revenue.

TAX NOTICE—

See revenue.

TAXPAYERS—

See revenue.		
not less than one hundred must sign petition for		
election to exempt from taxation.....	2	95
of city and county of Denver may vote issue of		
bonds	1	99
of city of Central vote upon question of bonds....	9	92
only vote on question of refunding indebtedness.	1	394
vote on granting of franchise in street, alley or		
public place in Denver.....	4	102

TAX RECEIPTS—

See revenue.

INDEX.**615**

TAX ROLL—	Sec.	Page.
See revenue.		
TAX SALES—		
See revenue.		
TAX SCHEDULES—		
contents of form.....	54	263
TAX WARRANTS—		
See revenue.		
TEACHERS—		
See parental or truant school.		
TEACHER'S CERTIFICATE--		
applicant for, pay fee for examination, renewal, endorsement or issue.....	1	263
TELEGRAPH—		
See revenue.		
proceedings to condemn land for.....	1	174
TELEGRAPH COMPANIES—		
See revenue.		
file annual report, contents, fee.....	11	121, 123
TELEGRAPH INSTRUMENTS—		
corporation return number of.....	99	298
TELEGRAPH OPERATOR—		
on railroad not work more than sixteen hours without rest.....	1	233
TELEPHONE—		
See revenue.		
TELEPHONE COMPANY—		
See revenue.		
file annual report, contents, fee.....	11	121, 123

TELEPHONE INSTRUMENTS—	Sec.	Page.
corporation return number of.....	99	293
TELLER COUNTY—		
in second class for regulating salaries of officers.	1	181
third senatorial district.....	3	21
twenty-eighth senatorial district.....	3	22
twenty-ninth senatorial district.....	3	22
number of representatives.....	5	23
TERM—		
of office of county commissioners and arrange- ment of, when board is enlarged.....	2	145
county judge, four years.....	2	111
extended one year.....	2	111
county officers expiring in 1904 extended one year	2	113
district attorney extended one year.....	1	110
justices of the peace and constables ex- tended one year from 1904.....	3	114
of officers of cities of second class.....	1	384
of president of council in cities of first class...	4	382
of membership of board of control of state canal No. 3.....	1	369
TERMS—		
of county court in Adams county.....	4	134
in South Arapahoe county.....	6	140
of district court in Adams county.....	4	134
Archuleta county not affected by change of terms	2	152
sixth judicial district.....	1	151
South Arapahoe county.....	4	139
twelfth judicial district.....	1	150
TERRITORY—		
farm produce shipped into state from.....	1	19
THIRD NORMAL INSTITUTE DISTRICT—		
Adams county a part of.....	13	137

INDEX.

617

THIRTEENTH GENERAL ASSEMBLY—

Sec.

Page.

appropriation for.....	1	72
------------------------	---	----

THIRTEENTH JUDICIAL DISTRICT—

Adams county a part of.....	13	137
-----------------------------	----	-----

THOMAS, CHARLES S.—

appropriation for service as member of Colorado Paris Exposition commission.....	1	71
---	---	----

TIME—

for selling mavericks prescribed by round-up commissioners	1	377
of execution of death penalty fixed by warden kept secret.....	6	156
within which person may claim land sold to county	106	320

TITLE—

See irrigation districts; revenue. to land for public building in Colorado Springs conveyed to United States.....	1	398
---	---	-----

TOLL ROAD—

proceedings to condemn land for.....	1	174
--------------------------------------	---	-----

TOLLS—

board of directors of irrigation districts fix rates of	23	215
--	----	-----

TON—

two thousand pounds of coal constitute.....	2	236
---	---	-----

TOOLS—

See revenue; state canal No. 3.

TOWNS AND CITIES—

	Sec.	Page.
See refunding bonds.		
city council in cities of first class elect one member of health commission.....	3	382
president from their own body,		
term, duties, vote.....	4	382
enter objections of mayor on journal		
and reconsider question.....	5	383
pass ordinance, resolution or contract		
over mayor's objection.....	5	383
refuse to concur in suspension or removal of appointees of mayor in fire department	1	381
reinstate appointee of fire department		
suspended by mayor.....	1	381
of police, health, street and market		
departments suspended by mayor	2	382
city of second class, fill vacancy caused by		
death, resignation or removal.....	2	385
by expiration of term.....	1	384
disconnection of territory, county judge set time		
for hearing petition to disconnect.....	3	386
clerk of court cause copy of petition to		
be served upon mayor thirty days		
prior to hearing.....	3	386
court enter decree of finding upon petition		
after hearing and proof of facts.....	3	387
clerk file certified copy of decree in office of recorder.....	5	387
does not exempt from taxes for indebtedness contracted while within limits of city.	4	387
owner not entitled to disconnect if city has		
maintained public utilities for three years..	3	387
owner of contiguous tracts on border of		
city petition county court to disconnect		
from city	1	386
petition to disconnect land from city.....	2	386
record of decree proof of disconnection.....	5	387
electors of cities of second class choose officers,		
when	1	384
health commission in cities of first class, establishment, membership, duties, powers.....	3	382

INDEX.

619

TOWNS AND CITIES—Continued.	Sec.	Page.
improvements, alley, cost of assessed upon abutting lots in proportion to benefits.....	3	389
alley intersection upon real estate in block in proportion to benefit.....	2	389
excess of benefits from alley improvement paid from general funds.....	3	389
real estate of irregular form not assessed beyond benefits of street or alley improvements	4	389
street assessed upon land in proportion to benefit	1	388
street intersections.....	2	389
excess of benefits of street and alley intersections paid from general fund....	2	389
to abutting property paid from general fund of city.....	1	388
included within new boundaries fixed for Denver and already incorporated excepted from corporate limits.....	1	164
incumbents with unexpired terms serve for time elected in city of second class.....	1	384
in irrigation districts provide reservoirs and mains for distribution of water.....	9	206
using water, lands subject to taxation.....	9	206
may condemn property for public use, proceedings	1	174
mayor of cities of first class appoint and remove chief and other officers and employes of fire department	1	381
officers of police, health, street and market departments.....	2	382
call special meeting of council.....	6	383
chief executive of city and head of fire and police departments.....	1	381
failing to return ordinance, contract or resolution to next subsequent meeting of council, the same becomes valid without signature.....	5	383
fill vacancies in police, health, street and market departments with approval of council.....	2	382

TOWNS AND. CITIES—Continued	Sec.	Page.
mayor of cities—continued.		
return ordinance, contract or resolution to council with his objections in writing	5	383
suspend appointees of fire department and report suspensions to council, with reasons.....	1	381
health, police, street and market departments until action of council	2	382
second class, elected every two years, compensation, powers.....	1	384
notice of special meeting of council of city of first class, service.....	6	383
officers and employes of fire department in cities of first class removed for cause.....	1	381
officers holding for remainder of term in city of second class receive monthly salary fixed by council.....	1	385
have powers and perform duties provided by law and ordinances of council.....	1	385
term of office.....	1	384
ordinances, resolutions or contracts requiring signature of mayor of city of first class sent to him within forty-eight hours.....	5	383
ordinance not adopted by council unless read at a previous meeting and published or posted.....	1	392
certificate and attestation of clerk on adopted ordinance show facts of introduction and publication or posting.....	1	392
president of council in cities of first class act in absence of mayor.....	4	382
resolutions and contracts involving money and all ordinances passed by council in cities of first class receive signature of mayor.....	5	383
salary of mayor in cities of first class.....	1	381
sewers, combined sewers and connections may be constructed with costs assessed in proportion to benefits.....	7	391
general outlets.....	7	391

INDEX.

621

TOWNS AND CITIES—Continued.	Sec.	Page.
sewers—continued.		
sanitary, costs assessed by ordinance upon real estate in proportion to benefits.....	5	390
excess of benefits paid from general fund	5	390
storm, cost assessed upon real estate in proportion to benefits.....	6	390
excess of benefits paid from general fund	6	390
sub-district storm sewers, construction or- dered to connect with district storm sewer	7	390
excess of benefits paid from general fund	7	390
TRACK—		
of railroad within state includes what.....	97	291
TRACTS—		
See revenue.		
TRAINMEN—		
on railroad not work more than sixteen hours without rest.....	1	233
TRAMWAY COMPANY—		
See revenue.		
TRANSCRIPT—		
of judgment docket filed with county clerk, Hen..	1	231
TRANSMISSION LINES—		
annual charges for right of way.....	1	131
companies formed have right of way for.....	1	131
contract with private owners for right of way...	2	132
have right of condemnation.....	2	132
municipal authorities grant right to construct....	1	131
not obstruct or hinder travel.....	1	132
obtain consent of municipal authorities for con- struction of works.....	1	132
right to construct, maintain and operate.....	1	131

TRANSPORT—	Sec.	Page.
farm produce into state to reship.....	1	19
TRANSPORTATION—		
board of control of state canal No. 3 contract with railroad for, of convicts, guards and ma- terials	7	371
TRANSPORTATION SYSTEM—		
city and county of Denver may construct or ob- tain	1	98
TRAVELING EXPENSES—		
of board of control of state canal No. 3.....	10	371
TREASURER—		
of Arapahoe county become, of city and county of Denver.....	3	100
of board of St. Louis World's Fair managers give bond with sureties.....	3	358
pay no money except on proper vouchers....	10	361
of irrigation districts.....	2	200
TOWN TREASURER—		
call in refunding bonds in order of issuance.....	4	396
certify to trustees payment of refunding bonds...	4	396
publish notice of call for refunding bonds.....	4	396
TREES—		
See forestry.		
TRIAL—		
not affected by new revenue law.....	239	356
TRUANCY OFFICER—		
See parental or truant school.		
clerk of court issue writ to, to bring child before court	6	366

INDEX.

623

TRUST COMPANIES—	Sec.	Page.
officers of, make assessor sworn statement of condition and value of stock.....	210	341
TRUST DEEDS—		
assessed with real property as a unit.....	14	244
TRUSTEES—		
See revenue; state normal school at Gunnison.		
governor appoint for state normal school at Gun- nison	2	375
duties and compensation.....	2	375
TUNNEL—		
See revenue; state canal No. 3.		
TURNOUTS—		
railroad company return number of miles of, for assessment.....	97	292
TWELFTH JUDICIAL DISTRICT—		
terms of court.....	1	150

U

UNDIVIDED INTERESTS—		
assessed, advertised, sold and redeemed in same manner as entireties.....	72	275
redeemed for ratable share.....	72	275
UNINCORPORATED COMPANIES—		
operating line of telegraph or telephone for profit, return same statement as corporation....	100	294
return aggregate number of miles made by stock cars	104	296
UNINCORPORATED RAILWAY ASSOCIATIONS—		
return same matters as those corporated.....	98	293

UNITED STATES—

	Sec.	Page.
governor execute deed and convey tract of land in Colorado Springs.....	1	398
have jurisdiction over lands for public building in Colorado Springs.....	1	398
released from taxation by state.....	2	399

UNITED STATES SENATORS—

request for convention to provide for election of, by popular vote.....	2	115
--	---	-----

UNIVERSITY—

See state university.		
appropriation for support and use of.....	1	73
indebtedness not authorized beyond the appro- priation	1	73

V

VACANCY—

See irrigation districts.		
caused by death or resignation of senator.....	4	22
filled from new district.....	4	22
in office of assessor filled by county commis- sioners	91	288
county commissioner, how created, how filled of judge of election, county commissioners fill	1	145
qualified elector of city of second class appointed by majority vote of council to fill.....	1	171
	2	385

VALUATION—

See revenue.

VALUE—

of perpetual water rights in state canal No. 3....	18	373
how ascertained.....	19	373
of use considered to determine value of taxation	62	267

INDEX.

625

VENUE—

change may be taken in cases of arbitration be-		
tween Arapahoe and Adams counties.....	9	136
Arapahoe and South Arapahoe counties.....	11	141

VERIFICATION—

of annual report of corporation, joint stock com-		
pany or association.....	11	124

VESTED RIGHT—

not affected by new revenue law.....	239	356
attached to water in irrigation districts when		
leased	9	206

VESTIBULES—

street railroads provide.....	1	379
penalty for operating street car without.....	3	390

VOLUNTARY SALE—

of property of corporation considered in assess-		
ment	62	267

VOTE—

council in city of second class fill vacancies		
by majority.....	1	394
in city of Central for bonds may be taken at		
general or special election.....	9	92
of president of council in cities of first class.....	4	382

VOTERS—

of county may exempt or refuse to exempt from		
taxation all personal property or improvements		
on land, when.....	2	95
qualifications of.....	1	107

VOTING—

on question of refunding indebtedness.....	1	394
--	---	-----

VOUCHERS—

	Sec.	Page.
for election contest.....	2	26
expenses of bureau of child and animal protection	3	24
penitentiary	1, 2	55, 56, 57
state industrial school.....	2	49
for state industrial school for girls.....	4	50
state insane asylum.....	1, 8	51, 54
state reformatory.....	2	68
of board of St. Louis World's Fair managers....	10	361
state board of horticulture.....	3	48
library commissioners.....	1	54
on fish hatchery fund.....	8	185

W

WAGES—

of employes of corporations except railroads		
paid semi-monthly, cash.....	1	128
due immediately upon discharge.....	3	129
of railroad corporation paid monthly, cash.....	1	128

WARDEN OF PENITENTIARY—

See death penalty.

appoint deputy to take charge of convicts employed upon state canal No. 3.....	9	371
compensation for services in executing death penalty	10	157
keep account of each item of appropriation.....	2	56, 57

WARDS—

city council create from annexed territory.....	1	165
for election purposes Denver redivided into.....	2	165

WARES—

See revenue.

WARRANT OF CONVICTION—

delivered to sheriff to deliver to warden of penitentiary	5	155
---	---	-----

INDEX.

627

WARRANTS—

	Sec.	Page.
drawn for bureau of child and animal protection	3	24
Colorado Paris Exposition commission.....	1	71
compensation of assessors.....	89	287
expenses of state officer not issued until account is sworn.....	3, 6	31, 44
election contest.....	2	25
Fleming, C. K.....	1	27
Hayes, M. C.....	2	45
legislative committee.....	1	26
penitentiary	1, 2	55, 56, 57
Sales, H. N.....	2	60
school for deaf and blind.....	2	62
state agricultural college.....	4	66
state board of horticulture.....	2	47
state industrial school.....	2	49
state insane asylum.....	1, 8	51, 54
state reformatory.....	2	68
Tarsney, Thomas J.....	1	70
of state draw four per cent. interest.....	1	176
capitol building fund draw five per cent. interest	1	176
on bounty fund.....	1	177
on contingent fund made to party to whom indebted	3, 6	31, 44
for supplies and printing of state departments	5, 4	33, 43
fish hatchery appropriation.....	8	185

WASHINGTON COUNTY—

in fifth class for regulating salaries of officers..	1	182
in twelfth senatorial district.....	3	21
number of representatives.....	5	23

WATCHERS—

two leading political parties entitled to one each, qualifications, powers, act as challenger.....	2	172
select voters to be present at counting of votes	2	172

WATCHMEN—

in cities of first class appointed by mayor with approval of council.....	2	392
---	---	-----

WATER—	Sec.	Page.
See irrigation districts.		
city council of Black Hawk provide city with....	1	74
WATER BONDS—		
of 1891, city of Central issue coupon bonds for....	1	90
proceeds of sale used only for redemption of outstanding	2	90
WATER BOX—		
person interfering with, guilty of misdemeanor...	1	196
WATER COMMISSIONER—		
have control of headgates and measuring weirs..	5	196
WATER COMPANIES—		
property of, sold en masse for delinquent taxes..	231	349
WATER COURSE—		
board of directors of irrigation districts construct canal across.....	24	216
WATER METERS—		
city council of Black Hawk provide for placing upon premises.....	1	74
WATER RATES—		
city council of Black Hawk establish and reg- ulate	1	74
WATER RENT—		
owner of property in Black Hawk liable for....	2	75
city council establish uniform system of....	1	74
WATER RIGHTS—		
See irrigation districts; revenue; state canal No. 3.		
WATER SYSTEM—		
city council of Black Hawk establish.....	1	74

INDEX.

629

WATER USERS—	Sec.	Page.
See forestry.		
WATER WORKS—		
city and county of Denver may construct or obtain	1	98
WAYS OF NECESSITY—		
See private ways of necessity.		
WEIGHT—		
of coal credited to person mining it and marked upon car returning to reload.....	3	236
weighed before screening.....	3	236
WEIR—		
owner of ditch, canal, flume or reservoir erect and maintain, failure, notice, not receive water	1	193
WELD COUNTY—		
constitutes seventh senatorial district.....	3	21
in third class for regulating salaries of officers...	1	181
number of representatives.....	5	23
WIFE—		
may return taxable property for husband.....	45	252
WITNESSES—		
in contempt proceedings, court hear.....	1	98
of execution of death penalty, invited by sheriff, keep time and facts of execution.....	6	155
sign record.....	8	157
WRIT—		
not affected by new revenue law.....	239	356
WRITS OF ERROR—		
in capital cases.....	3	154
in contempt cases.....	3	94
not affected by new revenue law.....	239	356

Y

YEAR—	Sec.	Page.
See fiscal year.		
YUMA COUNTY—		
in fifth class for regulating salaries of officers...	1	182
twelfth senatorial district.....	3	21
number of representatives.....	5	23



